

PLANNING APPLICATION REPORT

**REF NO:** A/46/22/RES

**LOCATION:** Phase 1 - Land off Arundel Road  
Angmering

**PROPOSAL:** Approval of reserved matters following outline consent A/122/19/OUT and varied by A/207/21/PL for the construction of 7 No dwellings with associated public open space, landscaping, parking, ecological mitigation, infrastructure and earthworks. This application is a Departure from the Development Plan and is in CIL Zone 3 and is not CIL liable.

<b>SITE AND SURROUNDINGS</b>
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**DESCRIPTION OF APPLICATION**

The application seeks reserved matters approval for four x 3 bed and three x 4 bed dwellings (all two-storey) with associated public open space, landscaping, parking, ecological mitigations, earthworks (bunds), a foul pumping station and a large drainage attenuation basin. Approval of scale, layout, external appearance, and landscaping are sought. Access was approved by A/122/19/OUT (as amended by A/207/21/PL). This application would represent the first phase of the wider development and as such, the layout will link in several places with that proposed by A/48/22/RES (as amended by A/282/22/RES).

All of the houses will have hipped roofs. Materials include red/brown bricks, tile hanging and red/grey roof tiles. Two of the houses will have open timber porches. No chimneys are proposed. All properties will have 3 parking spaces (in plot or garage) and there is also visitor parking provision including a wheelchair visitor space. Cycle parking will be located within the garage spaces of each dwelling. Refuse storage would be provided within the rear gardens. The road layout includes a turning head.

This phase of the application includes the provision of the gateway open space to the north of the vehicular/ pedestrian entrance into the site and an electric substation in the same area. It also includes a proposed drainage attenuation basin in the north-western corner of the wider site, a foul pumping station in the same area and then a line of earth bunding along the northern edge. Additional landscaping and informal open space are proposed along the eastern boundary. The submission indicates boundary treatments in the form of 1.8m high walls or fences.

**SITE AREA**

0.35 hectares.

**RESIDENTIAL DEVELOPMENT DENSITY** 20 dwellings per hectare.

**TOPOGRAPHY**

Predominantly flat, with land rising to the north.

**TREES**

Two oak trees (T8 and T9) situated on the western boundary of the wider site are protected by a Tree Preservation Order ref TPO/A/2/19, but the proposals do not impact on these. There are other existing trees in the area of this application which will be removed but these have not been determined as being worthy of protection. These comprise a 5m high Common Ash, a group of Common Ash & Common Hawthorn and a group of Common Ash, Goat Willow & Butterfly Bush.

**BOUNDARY TREATMENT**

The boundary treatment for the site varies and includes post and rail fencing, hedgerows and trees of various heights.

**SITE CHARACTERISTICS**

This particular site area is largely existing scrub woodland and part of a larger agricultural field.

**CHARACTER OF LOCALITY**

The site lies in a predominantly rural area which is characterised by a linear form of existing and approved residential development along the road frontage with Arundel Road. The wider development site is bounded to the south by playing fields, sports pitches including a cricket pitch, a pavilion, and a multi-use games area (MUGA) at Palmer Road Recreation Ground. Open agricultural fields adjoin the site to the west. The site is bounded to the north by Steyne Wood and to the northwest by Decoy Spring and ponds; and to the east by houses fronting onto Arundel Road, and a plot of land with planning permission (A/131/16/OUT) for 9 houses which also fronts onto Arundel Road. To the northeast of Arundel Road is the woodland of Poling Furze fields.

#### **RELEVANT SITE HISTORY**

**A/282/22/RES**

Approval of reserved matters following A/122/19/OUT and varied by A/207/21/PL pertaining to the layout, scale, appearance and landscaping for 160 No dwellings with associated public open space, landscaping, parking, ecological mitigation and earthworks. This application is a Departure from the Development Plan and is in CIL Zone 3 and is CIL Liable as new dwellings.

**A/48/22/RES**

Approval of reserved matters following A/122/19/OUT and varied by A/207/21/PL pertaining to the layout, scale, appearance and landscaping for 156 No dwellings. This application is a Departure from the Development Plan and is in CIL Zone 3 (Zero Rated) as new dwellings.

**A/270/21/OUT**

Hybrid application comprising:

- a) Demolition of existing buildings;
  - b) Full planning application for the development of 160 No. dwellings with open space, landscaping and sustainable drainage systems (SuDS), and two vehicular access points from Arundel Road;
  - c) Outline application with all matters reserved except for up to 1,393 square metres of Class E floor-space with associated parking provision and 2.1 hectares of sports pitch land.
- This site is a Departure from the Development Plan

A/235/21/DOC	Approval of details reserved by condition imposed under A/207/21/PL relating to condition 5-design code master plan.	DOC Approved 14-01-22
A/207/21/PL	Variation of condition following grant of A/122/19/OUT relating to Conditions Nos 4 - approved plans and 16 - vehicular access.	App Cond with S106 23-11-21
A/122/19/OUT	Outline application with some matters reserved for the erection of up to 160 dwellings with public open space, landscaping and sustainable drainage systems (SuDs), vehicular access point from Arundel Road; together with up to 1,393 square metres (15,000 square feet) of B1/B2 units with associated parking provision and vehicular access point from Arundel Road and land made available for expansion of current sports pitch provision (following the demolition of existing commercial units and one bungalow) (re-submission following A/36/18/OUT). This application is a Departure from the Development Plan.	App Cond with S106 17-03-20

Outline planning permission with some matters reserved was granted under reference A/122/19/OUT (and subsequently varied by A/207/21/PL) for the erection of up to 160 dwellings and up to 1,393 sqm of B1/B2 industrial units.

A/235/21/DOC granted permission for a design code masterplan relating to condition 5 of A/207/21/PL. This provides further detail on character areas, street hierarchy, building typologies, key buildings, the approach to car parking, structural planting, street furniture, lighting, and treatment of the public realm.

Applications A/48/22/RES and A/282/22/RES (the latter being a resubmission of the former) relate to the wider site area and are still being determined. Application A/270/21/OUT also concerns the entire site area and seeks to make changes to what has already been approved.

<b>REPRESENTATIONS</b>
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Angmering Parish Council raise objection stating the application is premature and should be determined alongside A/48/22/RES.

**COMMENTS ON REPRESENTATIONS RECEIVED:**

The application cannot be determined as premature as it follows the approval of outline permission. It was submitted alongside A/48/22/RES and whilst they are being determined separately, this is appropriate given that the 7 dwelling scheme is only a small part of the wider layout and represents a proposed phase 1.

<b>CONSULTATIONS</b>
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**CONSULTATION RESPONSES RECEIVED:**

SOUTH DOWNS NATIONAL PARK - no objection and it is recommended that the proposal is assessed in relation to local and national policies, with due regard to environmental, social and economic impacts and with particular emphasis to the special qualities of the South Downs National Park and its purposes of designation.

WSCC HIGHWAYS - no objection to the layout parking or cycle provision.

WSCC FIRE & RESCUE - no objection subject to conditions to secure a new fire hydrant.

ADC DRAINAGE - advise a holding objection due to insufficient information. To overcome the objection, the application should provide a drainage strategy including drawings and calculations for the proposed drainage layout for the 7 units and proposed SuDS features.

ADC LEISURE - advise that whilst the proposals would be suitable for this small section of the site, the submitted documents do not detail how this will be integrated within the wider site context. Also comment that the green open gateway feature/buffer has been depleted from that shown at outline stage.

**COMMENTS ON CONSULTATION RESPONSES:**

WSCC FIRE & RESCUE - a fire hydrant condition has already been imposed on the outline permission.

ADC DRAINAGE - it is clear that drainage design is subject to separate conditional approval (conditions were placed on the outline approval). A similar approach can be taken here to how other reserved matters applications in the district have been determined. In these cases, it was made clear (by an informative note on the decision notice) that if the drainage conditions cannot be agreed due to the layout not providing sufficient space, then a new reserved matters application will need to be submitted to account for the necessary drainage features. This application can therefore be determined without full support of drainage engineers.

ADC LEISURE - the landscaping plans clearly integrate with the wider site when the scheme is viewed alongside that proposed by A/282/22/RES. Indeed, the landscaping strategy drawing submitted for A/282/22/RES shows the whole of the site. It is agreed that the frontage planted area has been diminished from that shown at outline and this is discussed in the conclusions section.

Otherwise, all comments noted.

<b>POLICY CONTEXT</b>
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Designations applicable to site:

Outside the Built-up Area Boundary.

Area of Advert Special Control,

Current/Future Flood Zone 1.

TPO/A/2/19.

Within 500m of a WSCC Waste Site; and

CIL Zone 3.

### DEVELOPMENT PLAN POLICIES

#### [Arun Local Plan 2011 - 2031:](#)

DSP1	D SP1 Design
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM5	ENV DM5 Development and biodiversity
HDM1	H DM1 Housing mix
HWBSP1	HWB SP1 Health and Wellbeing
LANDM1	LAN DM1 Protection of landscape character
OSRDM1	Protection of open space, outdoor sport, comm & rec facilities
QEDM2	QE DM2 Light pollution
QEDM3	QE DM3 Air Pollution
QESP1	QE SP1 Quality of the Environment
CSP1	C SP1 Countryside
TSP1	T SP1 Transport and Development
WMDM1	WM DM1 Waste Management

#### [Angmering Neighbourhood Plan 2014 POLICY HD4](#) Materials

Angmering Neighbourhood Plan 2014 POLICY HD5 Built Form

Angmering Neighbourhood Plan 2014 POLICY HD6 Housing Layout & Design

Angmering Neighbourhood Plan 2014 POLICY HD8 Parking for New Developments

Angmering Neighbourhood Plan 2014 POLICY EH2 Protect the Landscape setting of the South Downs National Park

Angmering Neighbourhood Plan 2014 POLICY HD1 Built-up Area Boundary

Angmering Neighbourhood Plan 2014 POLICY HD2 Parish Housing Allocation

Angmering Neighbourhood Plan 2014 POLICY HD3 Housing Mix

Angmering Neighbourhood Plan 2014 POLICY HD7 Housing Density

Angmering Neighbourhood Plan 2014 POLICY HD9 Phasing of Residential Development

### PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPDG	National Design Guide

NPPG National Planning Practice Guidance

**SUPPLEMENTARY POLICY GUIDANCE:**

SPD11 Arun Parking Standards 2020  
SPD12 Open Space, Playing Pitches & Indoor & Built Sports Facilities  
SPD13 Arun District Design Guide (SPD) January 2021

**POLICY COMMENTARY**

The Development Plan consists of the Arun Local Plan 2011 - 2031 (ALP), West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan and Made Neighbourhood Development Plans. The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The relevant policies of the Angmering Neighbourhood Development Plan (ANDP) are referred to in this report.

**DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal complies with relevant development plan policies in that it results in a development of an appropriate scale, layout and appearance which is not harmful to the character & appearance of the area, the amenities of existing or future residents or the existing road network.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

(2) in dealing with an application for planning permission the authority shall have regard to -

- (a) the provisions of the development plan, so far as material to the application,
- (aza) a post examination draft neighbourhood development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

**OTHER MATERIAL CONSIDERATIONS**

There are no other material considerations to be weighed in the balance with the Development Plan.

**CONCLUSIONS**

PRINCIPLE:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states applications should be determined in accordance with the development plan unless material considerations indicate otherwise. Section 38(5) states: "If to any extent a policy contained in a development plan for an area conflict with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document". Therefore, the Arun Local Plan takes precedence over the Angmering Neighbourhood Plan should there be any conflict between the two.

The principle of development was established by A/122/19/OUT (as amended by A/207/21/PL) which granted permission for the erection of up to 160 dwellings with public open space, landscaping and SuDS, vehicular access from Arundel Road, together with up to 1,393sqm of B1/B2 units with associated parking provision and land made available for expansion of current sports pitch provision. That permission established the principle of development including flood risk, traffic generation, highway safety, archaeology, impact on wildlife, loss of agricultural land, impact on waste sites, countryside location, foul drainage (the principle of the new dwellings connecting to the network) and provision of affordable housing, public open space & children's play.

### COMPLIANCE WITH THE OUTLINE:

It has been established by case law that applications for approval of reserved matters must be within the ambit of the outline planning permission and must be in accordance with the conditions annexed to the outline planning permission. Certain conditions imposed by the outline set parameters for the nature and form of the Reserved Matters submission and these are analysed below (with reference to the conditions on A/207/21/PL).

Condition 4 states that development shall be carried out in accordance with the approved plans which govern the access arrangements. The proposal is in accordance with these plans.

Condition 5 required that a Design Code Masterplan be approved prior to submission of the Reserved Matters and that the development then be prepared and carried out in accordance with the approved Design Code. This was approved by A/235/21/DOC before the submission of the reserved matters and the proposed development, in part accords with the Design Code as is discussed elsewhere.

Condition 6 requires that the reserved matters submission include details of the landscape treatment along the northern boundary of the site with Steyne Wood to deter unauthorised access by motorcycles and vehicles to the Wood. The application submission does not clearly respond to this requirement. However, the plans include land along the northern edge of the development, and it is indicated that this will feature an earthwork bund as well as new buffer planting. This will deter access into the adjacent land by motorised vehicles. As there are no details of the dimensions of this bund, a condition will be required to secure these.

Condition 19 requires that garages measure a minimum of 6 metres x 3 metres internally. The submitted garage and house floorplans demonstrate this has been achieved.

Condition 34 requires that a minimum of 10% of all dwellings on the entire site are designed and constructed to the Building Regulations M4(2) standard (so being suitable for older persons) and in addition, six (6) dwellings are designed and constructed to the M4(3) wheelchair accessible standard. No such dwellings are proposed on this part of the site, but this is acceptable as this provision can be secured on the larger reserved matters scheme.

### LANDSCAPE IMPACT:

The site falls within the Angmering Upper Coastal Plain of the Landscape Character Assessment of West Sussex (2003) which is characterised by undulating farmland enclosed by woods with frequent hedgerows, criss-cross of rural tracks, byways and rights of way, strong network of hedgerows, hedgerow trees and medium to large blocks of woodlands. Some of the key sensitivities and issues within this area include loss of undeveloped rural character of the area, urban development pressures, closing open views between settlements, planting of non-native hedge and tree boundaries.

The Arun Landscape Study (2006) identifies the site lies within the Lyminster-Angmering Coastal Plan (ref LCA 40) which has a negligible/low landscape capacity. The Study states the area is "rural upper coastal plain adjacent to AONB, detached from existing settlement, relatively high ecological and heritage value. This area effectively separates Poling from Lyminster, Littlehampton and Angmering, and is also characterised as being rural and having little urban influence."

The South Downs National Park (SDNP) is approximately 350m from the northern boundary of the development site. The land slopes up gently towards the SDNP, with ground elevating significantly beyond the A27.

ALP policy LAN DM1 requires that development have special regard to the conservation of the setting of the South Downs National Park (SDNP), including views into and out of the Park. Development must also respect the particular characteristics and natural features of the relevant landscape character areas. ANDP policies EH2 and HD5 state development must not adversely impact upon the landscape setting or views into or out of the SDNP.

The submission makes no reference to potential impact on the SDNP however, views of the proposal from within the SDNP are restricted by landform, the enclosed nature of the site and intervening development/vegetation. The SDNPA were consulted on the application and raised no concerns. Therefore, the proposed development would not negatively impact on the special qualities of the National Park.

Views of the proposed development are largely confined to vantage points located to the south and west, with views from the north and east restricted by woodlands surrounding the site. There are views, filtered to varying degrees from the recreation ground and surrounding housing to the south, as well as public right of ways crossing farmland to the south-west.

The new boundary vegetation will include additional trees, thicket and hedgerow planting which will reinforce the existing woodlands along the site boundaries and create a landscaped edge to the development, which respects the mature woodland of Steyne Wood (to the north). The development would not result in harm to the established character of the site, and wider landscape due to the existing landforms, development, planting, and additional planting proposed within this submission.

The proposal accords with the requirements of ALP policy LAN DM1, and policies EH2 & HD5 of the ANDP.

### LAYOUT, APPEARANCE AND SCALE:

ALP policies D DM1 and D SP1 are relevant in respect of design and character. Policies HD5, HD6 and HD7 of the ANDP are also relevant regarding built form, housing layout, design, and density. The National Design Guide (NDG) is a material consideration in the determination of this application, as well as the Arun Design Guide (ADG). The application for the 7 dwellings has been prepared in accordance with the approved Design Code, which itself has been prepared and assessed against the requirements of the NDG and ADG.

The site falls within the Gateway character area as identified within the approved Design Code, which is focussed on the primary vehicular access from Arundel Road. This area forms the threshold at the entrance into the main body of the site. The site layout has taken account of the wider site setting, with dwellings facing outwards to address public open space and surrounding landscape features. A key building sits at the front of the site, framing the road and the entrance to the development which provides a strong frontage. The proposed materials have been revised and now accord with the approved Design Code.



The surrounding area is characterised by 1 and 2 storey dwellings. The dwellings are proposed to be 2 storeys, with garages at single storey. The scale of the development accords with the requirements of the Design Code, and respects that of the surrounding built environment. The proposal demonstrates high quality design, reflects local distinctiveness, and incorporates local design features evident in buildings in the surrounding area. The proposed layout and design accords with the principles established within the Design Code, as well as policies D DM1 & D SP1 of the ALP and HD4, HD5, HD6 and HD7 of the ANDP.

#### PUBLIC OPEN SPACE & LANDSCAPING:

ALP policies D DM1, LAN DM1 and D SP1 are relevant to the consideration of landscaping whilst OSR DM1 and HWB SP1 relate to open space provision. The Landscape Officer has raised no concerns with the landscaping elements proposed within the site area only commenting on the integration with the rest of the permitted site.

The concept masterplan within the approved Design Code details a larger Public Open a Space (POS) feature, with a green buffer onto Arundel Road and forming a green open gateway into the development. It also highlights green corridors along the main road into the site and bending around heading south. The green corridors provided within this application are not as prominent as the Design Code. However, the landscaping generally follows the principles within the approved Design Code, including the provision of a gateway meeting space, tree lined streets, additional trees, and hedgerow planting both on-plot and within the public realm.

The dwellings will be used as show homes in this first phase of the development. The proposal will be subject to an additional application for temporary variation of the approved landscaping to enable this use. The approved landscaping will then be implemented after the sale of the show home units.

Overall, the proposal deviates in part from the Design Code but on balance the proposed landscaping enhances the character of the site and the surrounding area. The proposal accords with policies D DM1, LAN DM1 and D SP1 of ALP. Taken on its own, this proposal provides sufficient POS but will be developed together with the wider site area and will therefore benefit from the open space provision in the main areas.

#### OTHER MATTERS:

##### (A) Housing Mix

ALP policy H DM1 provides for a mix of housing to meet local needs and requires all housing development to provide a mix of dwelling type and sizes to address this need and demand. The policy acknowledges that the final mix will be negotiated on a site-by-site basis, having regard to the most up to date Strategic Housing Market Assessment (SHMA). ANDP policy HD3 states proposals for more than six dwellings should demonstrate how the applicant has sought to meet local needs.

The development comprises a mix of 3- and 4-bedroom dwellings which is not in accordance with the suggested mix identified in the SHMA. There is also no response in the submission to the ANDP policy. However, the rest of the site within the outline application is to come forward for approval on a separate application and at this point an appropriate housing mix (including the required affordable housing) will be identified and secured. There is some conflict with policy ANDP policy HD3, but this is outweighed by ALP policy H DM1.

##### (B) Residential Amenity & Space Standards:

ALP policies D DM1, D DM2 and QE SP1 are relevant. The ADG sets out guidance on interface distances between houses:

- Back-to-back: min. 21m between habitable rooms of properties or to existing buildings.
- Back/ front to side: min. 14m between habitable rooms and side gable of adjacent property; and
- Front to front: min. 16m between habitable rooms and site boundary to existing landscaping.

In addition, the gardens of residential houses should be at least 10.5m deep. The proposed layout and orientation of the 7 dwellings ensures that the proposal will not have adverse impact on the residential amenities of any existing or proposed dwellings by either loss of privacy or overlooking. An interface distances plan has been provided and this confirms compliance with the ADG requirements.

As per ALP policy D DM2, it is necessary to assess the proposal against internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard or NDSS) to determine if the buildings will be suitable for future residential occupiers. The floorplans of each house have been cross referenced with the NDSS and the minimum gross internal floor areas of the houses clearly meet the standards.

The proposal would not result in any adverse impact to residential amenity and ensures a decent standard of amenity for future occupiers. It therefore complies with ALP policies D DM1, D DM2 and QE SP1 of the ALP and the ADG.

#### (C) Parking, Roads, and Public Footpaths:

ALP policy T SP1 and NDP policy HD8 are relevant although the latter has been reduced weight due to the adoption of Arun Parking Standards SPD. The advice of WSCC Highways is summarised above and they raise no objection to the layout. The principle of 160 dwellings was deemed acceptable through the outline permission, with no concerns regarding highways safety and operation.

The Parking SPD would require a total of 17 allocated spaces plus 2 visitor spaces. The application proposes 15 allocated on-plot parking spaces, 7 spaces in garages, 4 standard sized visitor spaces and 1 disabled visitor space. The Parking SPD requires 5% of all parking spaces as disabled suitable and this equates to 1 space which has been met. Despite garages only being treated as providing half a space, the parking proposals represent an overprovision and therefore accord with the requirements of the SPD. Cycle parking is to be provided within garage spaces and this is acceptable.

Road widths in this application layout are in accordance with the Design Code whereby the principles of road hierarchy were established. The village street is 5.5m wide with 2m pavement on one side. The proposal is therefore appropriate and there is no conflict with ALP policy T SP1 and ANDP policy HD8.

#### (D) Waste Management:

ALP Policy WM DM1 is relevant but, there are no issues with refuse vehicles accessing the site from Arundel Road or moving around the internal roads of the site. The application allocates bin storage locations and collection points for bin days. Overall, the application achieves sufficient provision for the storage of waste and kerbside collection is possible for all dwellings such that there is no conflict with the requirements of policy WM DM1.

#### (H) Biodiversity Net Gain:

ALP policy ENV DM5 states development schemes shall seek to achieve a net gain in biodiversity and

protect habitats on site. They shall incorporate elements of biodiversity including green walls, roofs, bat, and bird boxes as well as landscape features minimising adverse impacts on existing habitat. In addition, condition 4 of A/207/21/PL requires that the development be in accordance with the 'Ecological Mitigation and Enhancement Strategy' prepared by CSA Environmental (Ref. CSA/3467/09), dated July 2019.

Biodiversity was assessed at the outline stage and the council's ecologist raised no objections at that time. This application is also accompanied by an Ecology Survey Report, and this includes further details of biodiversity enhancements, some but not all of which reflect the approved enhancement strategy. Where the enhancements are different, these will be secured by conditions. The application demonstrates biodiversity enhancement and there is no conflict with ALP policy ENV DM5.

(I) Climate Change:

Condition 21 on the outline permission (as amended) requires the approval of measures to reduce energy conservation and achieve 10% annual energy reduction. As these details are required to be approved through the discharge of this condition, it is not reasonable to require compliance at the reserved matters stage. With the condition in place and subject to the proposed plans the proposal would likely accord with ALP policy ECC SP2. In addition, condition 24 requires the approval of details of electric vehicle charge points, and this satisfies the requirements of ALP policy QE DM3(c).

**SUMMARY:**

Whilst there are some deviations from the approved Design Code, the scheme generally accords with the principles of the code providing a well-designed and high-quality development. The site relates to 1 phase of the wider development, whereby details of housing mix, affordable housing, further landscaping and play provision will be identified and secured. The details contained within this application in relation to appearance, layout, scale, and landscaping are acceptable and are in accordance with the Design Code Document, the policies in the Development Plan and the NPPF. It is therefore recommended that this application for Reserved Matters is approved.

**HUMAN RIGHTS ACT**

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

**DUTY UNDER THE EQUALITIES ACT 2010**

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership,

pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

<b>RECOMMENDATION</b>
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**APPROVE CONDITIONALLY**

1 The development hereby approved shall be carried out in accordance with the following approved plans and documents:

- Drawing No. S401 Site Location Plan.
- Drawing No. 20232 C401 Rev E Coloured Site Layout.
- Drawing No. 20232 C402 Rev B Coloured Street Elevation.
- Drawing No. 20232 P401 Rev E Proposed Site Layout.
- Drawing No. 20232 P402 Rev E Building Materials.
- Drawing No. 20232 P403 Rev E Boundary Materials.
- Drawing No. 20232 P404 Rev E Surface Materials Layout.
- Drawing No. 20232 P405 Rev E Refuse Strategy Layout.
- Drawing No. 20232 P406 Rev E Car Parking Layout.
- Drawing No. 20232 P407 Rev E Storey Heights Plan.
- Drawing No. 20232 P408 Rev B Harrogate Plans and Elevations BRICK.
- Drawing No. 20232 P412 Richmond Floor Plans.
- Drawing No. 20232 P413 Richmond Elevations BRICK.
- Drawing No. 20232 P414 Rev A Shaftesbury Plans and Elevations BRICK.
- Drawing No. 20232 P415 Rev B Stratford Lifestyle Plans and Elevations BRICK.
- Drawing No. 20232 P416 Single Garage Plans and Elevations.
- Drawing No. 20232 P417 Rev A Oxford Lifestyle Plans and Elevations BRICK.
- Drawing No. 20232 P418 Rev A Harrogate Lifestyle Plans and Elevations BRICK.
- Drawing No. 20232 P420 Wider Site Layout.
- Drawing No. 1969-14672-004 Pumping Station Site Plan.
- Drawing No. 20232 P421 Pumping Station Plans.
- Drawing No. 20232 P422 Pumping Stations Elevations.
- Drawing No. 20232 P423 Rev B Interface Distances.
- Drawing No. 120 Rev E Landscape Strategy S401.
- Drawing No. 520 Rev D Planting Plan S401 1 of 4.
- Drawing No. 521 Rev C Planting Plan S401 2 of 4.
- Drawing No. 522 Rev C Planting Plan S401 3 of 4.
- Drawing No. 523 Rev D Planting Plan S401 4 of 4.
- Drawing No. JSL3924\_500-506 Rev B Tree and Shrub Palette.
- Figure 2.4 Rev 01 Ecological Mitigation for Reserved Matters Application (within the Ecology Survey Report);
- Schedule of Accommodation Phase 1 (01/07/22); and
- Design Code Compliance Document (June 2022 Rev B).

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies D DM1, D SP1, QE SP1 and T SP1 of the Arun Local Plan.

2 No development above damp-proof course (DPC) level shall take place until a statement of architectural detail has been submitted to and approved in writing by the Local Planning Authority. The 'statement of detail' shall set out details of proposed windows and doors, details of the depth of recess/reveal from the brickwork, sills and lintels, brick bonding, brick detailing, eaves detailing and rainwater goods. The 'statement of details' so approved shall then be used

in the construction of the buildings.

Reason: To enable the Local Planning Authority to control the development in details in the interests of amenity by endeavouring to achieve buildings of visual quality in accordance with policy D DM1 of the Arun Local Plan.

- 3 No development above damp-proof course (DPC) level shall take place until full details of the proposed screen walls and fences shown on drawing 20232 P403 Rev E Boundary Materials (including appearance, materials) have been submitted to and approved by the Local Planning Authority and no dwellings shall be occupied until such screen walls and/or fences associated with them have been erected. The details to be provided shall also ensure that gaps are provided at the bottom of all boundary treatments to ensure that hedgehogs and other small mammals are able to move into/out of and around the development.

Reason: In the interests of amenity and of wildlife in accordance with policies D DM1 and ENV DM5 of the Arun Local Plan.

- 4 No development above damp-proof course (DPC) level shall take place until full details (including dimensions, cross sections) of the proposed earthworks along the northern and part western edge of the site have been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until the earthworks have been implemented and these shall thereafter be permanently retained.

Reason: In accordance with condition 6 of the outline permission and in the interests of amenity and of the environment of the development in accordance with policy D DM1 of the Arun Local Plan

- 5 No dwelling shall be first occupied until the car parking spaces, garage spaces, roads, footways and turning facilities serving the respective dwellings have been constructed in accordance with the approved site plan. Once provided, the parking spaces shall not be used for any purpose other than for the parking of vehicles and the garages shall not be used for any purpose other than the parking of vehicles and for domestic storage unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: In the interests of ensuring sufficient vehicle parking and highway safety within the development in accordance with policy T SP1 of the Arun Local Plan.

- 6 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- 7 INFORMATIVE: The applicant is advised of the requirement to enter into early discussions with and obtain the necessary licenses from the Highway Authority to cover any temporary construction related works that will obstruct or affect the normal operation of the public highway prior to any works commencing. These temporary works may include, the placing of skips or other materials within the highway, the temporary closure of on-street parking bays, the imposition of temporary parking restrictions requiring a Temporary Traffic Regulation Order, the erection of hoarding or scaffolding within the limits of the highway, the provision of cranes over-sailing the highway.

- 8 INFORMATIVE: The applicant is advised that any proposed structures on, under, above or

adjacent to any roads, watercourses etc, are required to be subject to the Technical Approval process as specified within BD 2/12 of the Design Manual for Roads and Bridges. The applicant should contact the WSCC Structures Team to commence this process. The applicant should note that the failure to obtain technical approval may prevent the future adoption of the structure as part of the public highway or otherwise and as a consequence may incur additional works to bring the works up to a suitable standard.

- 9       INFORMATIVE: The submitted plans show tree planting close to water distribution mains. Southern Water has restrictions on proposed tree planting adjacent to sewers, rising mains or water mains and any such proposed assets in the vicinity of existing planting. Reference should be made to Southern Water's publication "A Guide to Tree Planting near water mains and sewers" and the Sewerage Sector Guidance with regards to any landscaping proposals and Southern Water restrictions and maintenance of tree planting adjacent to sewers, rising mains and water mains.
- 10       INFORMATIVE: The applicant is advised that the erection of temporary directional signage should be agreed with the Local Traffic Engineer prior to any signage being installed. The applicant should be aware that a charge will be applied for this service.
- 11       INFORMATIVE: The applicant is required to enter into a Section 59 Agreement under the 1980 Highways Act to cover the increase in extraordinary traffic that would result from construction vehicles and to enable the recovery of costs of any potential damage that may result to the public highway as a direct consequence of the construction traffic. The Applicant is advised to contact the Highway Officer (01243 642105) in order to commence this process. Note this is only required if HGV traffic exceeds 20 movements per working day.
- 12       INFORMATIVE: The applicant is required to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works if they affect the existing public highway. The applicant should contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
- 13       INFORMATIVE: The applicant is required to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the proposed adoptable on-site highway works. The applicant should to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that any works commenced prior to the S38 agreement being in place are undertaken at their own risk.
- 14       INFORMATIVE: This permission does not formally discharge any of the conditions that require the submission of details for approval in writing as imposed on the outline planning permission and separate applications will be required. Please also note that this layout has been approved without agreement of the council's drainage engineers and therefore if it subsequently becomes clear that the drainage conditions cannot be agreed due to the layout not providing sufficient space for drainage then a new reserved matters application will need to be submitted as the Local Planning Authority will not be able to agree such changes through the Non-Material Amendment process. Please also note that any future submission to seek a discharge of the drainage conditions must be accompanied by full details in accordance with the guidance and checklist here <https://www.arun.gov.uk/surfacewater>.

<b>BACKGROUND PAPERS</b>
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[The documents relating to this application can be viewed on the Arun District Council website by going to https://www.arun.gov.uk/weekly-lists and entering the application reference or directly by clicking on this link.](https://www.arun.gov.uk/weekly-lists)

**A/46/22/RES - Indicative Location Plan (Do not Scale or Copy)**  
**(All plans face north unless otherwise indicated with a north point)**



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