

PLANNING APPLICATION REPORT

REF NO: A/282/22/RES

LOCATION: Land off Arundel Road
Angmering
BN16 4ET

PROPOSAL: 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.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The application seeks reserved matters for 160 dwellings with associated public space, landscaping, parking, ecological mitigation, and infrastructure. Approval of scale, layout, external appearance, and landscaping are sought. The access arrangements were approved by A/122/19/OUT (as amended by A/207/21/PL). The scheme excludes the replacement commercial area in the south-eastern corner so this aspect would require a separate reserved matters approval.

Of the 160 total, 48 are affordable units (36 affordable rented dwellings & 12 shared ownership). In addition, 29 homes will be built to the M4(2) Building Regulations standard and 6 to the M4(3) disabled suitable standard. These homes are mixed between the tenures with 17 M4(2) homes in the private tenure, 11 affordable and all 6 M4(3) as affordable.

The scheme includes 358 allocated parking spaces plus an additional 49 garage spaces and 34 visitor spaces. Six allocated spaces are designated for M4(3) parking whilst 4 of the visitor spaces will also be accessible spaces. Cycle parking is indicated to either be within cycle storage sheds in rear gardens or in garages. All gardens will have bin storage spaces and there will be bin collection points on the frontages. Plans of the garages are included but not the cycle sheds.

With the exception of the flatted buildings (2.5 storeys with rooms in the roof), all houses will have two storeys with no roof accommodation shown. The flatted buildings provide a mix of 8 and 9 dwellings. They have integrated communal cycle stores and bin stores. The building designs are mixed with several different house types including detached, semi-detached, and terraced.

As per the outline permission, the site will have a main vehicular access onto Arundel Road in the north-eastern corner. The existing access close to the commercial area in the south-eastern corner of the site is to be used as a secondary access and will feature a 2m footway on the northern side and a 0.5m service margin on the southern side. Along the northern boundary is a strip of landscaping and earth bunding. There is then an attenuation pond & foul pumping station in the north-western corner.

The layout includes three areas of public open space (POS). Firstly, a large 2.1-hectare sports pitch in the south-western corner which will be given to the District Council. To the immediate north of this is a Locally Equipped Play Area (LEAP). The second area of POS is towards the eastern side and is an island surrounded by four roads. It includes a Local Play Area (LAP). The final area is in the north-eastern corner at the site entrance and forms a gateway into the site. It also includes an electric substation. The total POS provision is not indicated by the application documents as the stated green infrastructure figure of 4ha also includes the attenuation basin and the strategic boundary landscaping.

SITE AREA	8.58 hectares (of which approximately 2.1 ha are the sports pitches).
RESIDENTIAL DEVELOPMENT DENSITY	24.7 dwellings per hectare excluding the area of the sports pitches.
TOPOGRAPHY	Predominantly flat, with land rising to the north.
TREES	Two oak trees (T8 and T9) situated on the western boundary of the site are subject to a Tree Preservation Order (TPO/A/2/19) but they are not affected as they are shown to border the sports pitch. There are number of 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 14 trees (8 x T3 Common Ash/Crack Willow, T16 Common Ash, T17 Common Ash, 3 x T18 Common Ash, T19 Apple & T20 Western Red Cedar) and 5 tree groups (G5 Common Ash/Common Hawthorn, G6 Sycamore/Common Hawthorn/Common Dogwood, G11 Common Hawthorn/Common Ash, G12 Common Ash/Goat Willow/Butterfly Bush & G13 Elm/Common Ash).
BOUNDARY TREATMENT	The boundary treatment for the site varies and includes post and rail fencing, hedgerows and trees of various heights.
SITE CHARACTERISTICS	The site is a mix of a large agricultural field, existing commercial development at New Farm Nursery, a residential dwelling (New Place Bungalow) and a small area of scrub woodland.
CHARACTER OF LOCALITY	The site lies in predominantly rural area which is characterised by a linear form of existing and approved residential development along the road frontage with Arundel Road however to the south, beyond the sports pitches, the character

is different with residential development extending westwards away from the road.

The 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 Furzefields.

The site adjoins residential dwellings to the North and East. Wilmington on the north side is two storeys and side on to the site. On the eastern side lies 1-9 Starling View, including one and two storey dwellings which back onto the site; and 68/68b Arundel Road, all two storeys and again backing onto the site.

RELEVANT SITE HISTORY

A/58/23/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 a commercial building of 1,500 sqft (1,393 sqm) that can be used for either Class E(g)(i) (formerly Class B1) and or Class B2, with associated landscaping and parking.	
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/46/22/RES	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 CIL liable as new dwellings.	
A/270/21/OUT	Hybrid application comprising: a)Demolition of existing buildings; b)Full planning application for the development of 160	Refused Hybrid 09-02-23

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 access 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.

Application A/46/22/RES concerns a small (phase 1) part of the site for 7 dwellings but also a landscaped bund along the northern boundary, a foul pumping station and a large drainage attenuation basin. Application A/48/22/RES related to the wider site area and has been refused. The current application is a resubmission of this. A/270/21/OUT was a new hybrid application consisting of an outline application for the commercial site and sports pitch with a full application for 160 dwellings. It has also been refused.

A/58/23/RES concerns the reserved matters for the commercial part of the site. It has only recently been

submitted. The site layout plan also includes a proposed location to the adjacent Sports Hub.

REPRESENTATIONS

Angmering Parish Council stated no objection with the comment "APC agrees with the Tree Officer regarding the pre-commencement condition regarding a tree plan has not been complied with."

Two objections from residents on the following grounds:

- Lack of available local GP services.
- Increased highway congestion.
- Will exacerbate highway safety issues at the A27 junction.
- Impact on the climate emergency.
- Inadequate local school provision
- Increase in local flooding; and
- Light pollution to the South Downs National Park.

COMMENTS ON REPRESENTATIONS RECEIVED:

The Parish council's comments have not been understood as the tree officer has not commented however it is clear that they raise no objection. With the exception of the impact of lighting, all of the resident concerns relate to the principle of the development/the access arrangements which were approved by the outline permission. There is already a lighting condition on the outline permission.

On the 15th of March, the Parish Council were notified of changes to the scheme and invited to make further comment. These will be reported to the planning committee by way of an update.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

NATIONAL HIGHWAYS - no objection.

SPORT ENGLAND - no objection.

SOUTHERN WATER - no objection.

SOUTH DOWNS NATIONAL PARK AUTHORITY - 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.

SUSSEX POLICE - no objection but list a number of advisory notes regarding improving security.

WSCC HIGHWAYS - no objection and recommend no conditions.

WSCC WASTE & MINERALS - make no comment.

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

WSCC LEAD LOCAL FLOOD AUTHORITY - object because the Flood Risk Assessment (FRA) is not in

accordance with the NPPF, Planning Practice Guidance (Flood risk and coastal change) or local policies. This means that flood risk could increase elsewhere.

ADC ENVIRONMENTAL HEALTH - no objection and advise that the Noise Impact Assessment as required by condition 37 of A/207/21/PL can be partially discharged.

ADC LANDSCAPE OFFICER - object with the following issues:

- There is no detail of the play areas.
- There is no details of the sports pitches and how they relate to proposed landscaping.
- There is no detail of the access to the Sports Hub land.
- Much of the proposed tree planting is in private gardens therefore such trees may not be retained, and this will weaken Biodiversity Net Gain aspirations.
- There is no detail of the landscaped northern bund proposal.
- There is no detail of the link path to the Public Right of Way (PRoW) adjacent to the western boundary and how this crosses the ditch in this location.
- The depletion of the POS 'Gateway space' (against the outline application) could be seen as negative in the creation of the entrance setting.

However, also state that the landscaping scheme is suitable.

ADC CONSERVATION OFFICER - no objection and states the proposed development would not harm the significance of nearby heritage assets due to their location and the lack of indivisibility between them and the development site.

COUNCIL's ECOLOGIST - no objection subject to the scheme securing biodiversity mitigation & enhancement measures. Conditions are requested.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and will be addressed in conclusions section except as discussed below.

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

WSCC LEAD LOCAL FLOOD AUTHORITY - the applicant submitted a revised FRA in March 2023 and WSCC have been invited to make further comments. Any response will be reported by way of an update however it is material that the drainage scheme will be subject to a separate agreement through the discharge of planning conditions. Should there be a situation where the drainage conditions cannot be agreed due to the layout not providing sufficient space then a new reserved matters application would need to be submitted to account for the necessary drainage changes.

ADC ENVIRONMENTAL HEALTH - previously imposed planning conditions that require approval in writing cannot be discharged through a reserved matters application. However, the response does give the applicant some comfort that the condition may be discharged in due course.

ADC LANDSCAPE OFFICER - the applicant has responded to these concerns with revised plans to which Landscape have been invited to comment. The Landscape Officer has responded to state that the comments of the 08/03/23 still remain valid and unaddressed. The only exception is that the details of the northern landscaped bunds have been supplied and are acceptable. These details also reflect the details already approved by A/46/22/RES. The following is a response to the concerns:

- A planning condition could be imposed to secure the play area details and this approach has been used

elsewhere.

- The sports pitch land is to be transferred to the District Council and it would then be up to the new owner to determine which pitches to provide. As such, the developer cannot currently be clear on the pitch layout or dimensions.
- The access to the Sports Hub land is instead shown on application A/58/23/RES.
- Whilst trees are still shown in some of the front/rear gardens, this submission does represent an improvement compared to the schemes proposed by A/48/22/RES and A/270/21/OUT (which were refused) and there is less a reliance on trees in such locations. Out of the total number of new trees shown on the landscaping drawing, only roughly 60 trees are shown in private gardens.
- The developer has now removed the link to the PRoW adjacent to the western boundary. There is a ditch outside of the boundary which is not in their ownership and so they cannot make any provisions for a bridge to cross it. This is unfortunate but is accepted on the basis that a crossing cannot be secured through a reserved matters permission.
- Whilst the frontage planted area has been diminished from that shown at outline, it is material that this has already been accepted through the recent approval of A/46/22/RES.

ADC CONSERVATION OFFICER - The comments relate to the following heritage assets (with the distance from the site in brackets):

- New Place Farmhouse, a Grade II* listed building (approx. 145m to the north-west).
- Decoy Cottage, a Grade II Listed Building (approx. 500m to the west); and
- Angmering Conservation Area (approx. 500m to the South).

Heritage was considered at length on the outline application and it was determined that the proposed development complied with the relevant development plan policies and the contents of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

COUNCIL'S ECOLOGIST - two of the requested conditions (construction management & lighting) have already been imposed on the outline permission (as amended) and should not be imposed again.

POLICY CONTEXT

Designations applicable to site:

Outside the Built-up Area Boundary.

Area of Advert Special Control,

Current/Future Flood Zone 1.

TPO/A/2/19.

Adjacent to PRoW 2176.

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
HDM1	H DM1 Housing mix

LANDM1	LAN DM1 Protection of landscape character
QESP1	QE SP1 Quality of the Environment
TSP1	T SP1 Transport and Development
TDM1	T DM1 Sustainable Travel and Public Rights of Way
WDM3	W DM3 Sustainable Urban Drainage Systems

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 EH3	Flood Prevention
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
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."

Whilst there are some minor policy conflicts in respect of housing mix and the design of the affordable housing, overall, the proposal is in accordance 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/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 the 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).

When determining whether reserved matters fall within the ambit of an outline planning permission the courts have allowed a little freedom of interpretation with the usual test being whether any changes make a material difference to the essence of what was approved.

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 application ref A/235/21/DOC prior to 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 now responds to this requirement with plans showing an earthwork bund and new buffer planting along the northern edge. These are the same plans as were recently approved by A/46/22/RES. This will deter access into the adjacent land by motorised vehicles.

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 (so 16) are designed and constructed to the Building Regulations M4(2) standard (suitable for older persons) and in addition, six dwellings are designed and constructed to the M4(3) wheelchair accessible standard. This is discussed elsewhere in this report but has been achieved.

LANDSCAPING:

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 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.

ALP policies D DM1 and ENV DM4 are all relevant. The scheme proposes to enhance the western and northern boundary buffers, by reinforcing the rural edge of the development with new tree, hedgerow, and woodland planting. This will reinforce and enclose the new housing development, as well as provide ecological and wildlife benefits.

The previously refused schemes made little attempt to provide green infrastructure to break up the street scene and this new scheme is significantly improved in this respect. Whilst frontage parking remains, these are now broken up with street trees and landscaping (for example the eastern street comprising plots 8-23). Whilst there remain some instances of tree planting in private gardens, this aspect of the scheme has been reduced and these changes are positive for the character of the development and future biodiversity. The layout now better reflects the character of Angmering and its attractive spacious street scenes. The proposed landscaping scheme is acceptable and includes a suitable mix of ornamental and native trees/shrubs. The Landscape Officer raises no objection to this aspect of the

development.

Two oak trees (T8 and T9) situated on the western boundary of the site are subject to TPO/A/2/19, but they are not affected as they are shown to border the sports pitch. There are a number of other existing trees in the area of this application which will be removed but these have previously not been determined as being worthy of protection so despite the lack of any comment from the council's Tree Officer, there is no clear conflict with policy ENV DM4. Replacement and additional tree planting will be provided, and this will help to achieve biodiversity net gain.

The proposal is now in accordance with the relevant policies as set out above.

LAYOUT, APPEARANCE AND SCALE:

ALP policies D DM1 and D SP1 are relevant in respect of design and character. In addition, policy AH SP2 seeks to ensure that affordable housing is visually indistinguishable from market housing and that layouts avoid large clusters. 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 has been prepared in accordance with the approved Design Code, which itself has been prepared and assessed against the requirements of the NDG and the ADG.

For the most part, the site layout has taken account of the wider setting of the site, with dwellings facing outwards to address the public open spaces and surrounding landscape features. The gifted land for the Palmer Road Recreation Ground extension (sports pitches) is an important green infrastructure feature and general asset to the wider site. However, the scheme does not respond in the same way to the proposed sports pitch with only six of the 14 adjacent homes fronting into this space. A further four are side on and the remainder being rear on. This misses an opportunity to maximise natural surveillance to the sports pitches however it is an improvement on the previous scheme which had only 3 houses facing the sports pitch land. Furthermore, side, and rear windows will still overlook the pitches.

The previous layout (A/48/22/RES) was noted as being dominated by car parking, with the majority of estate roads being characterised by parking forward of the primary elevation of dwelling's. This has now been improved with shorter runs of parking and more street trees/landscaping which further reduces the presence of cars within the street scene. This has partially been achieved through the provision of the three flatted buildings into the mix as this results in less small/terraced housing and a reduction in the overall density. As such the scheme now better accords with the ADG which seeks to ensure that car parking does not dominate frontages or detract from the character and quality of the street scene.

The approved Design Code indicates the areas of low-density development as being adjacent to the northern woodland, and the proposed SuDs feature at the west of the site with the highest density being near the central POS and the medium density areas on the eastern and southern sides of the site surrounding the high-density area. Unlike with the previous refused applications, this scheme now reflects these density requirements.

The approved Design Code specifies that buildings should be predominantly two storeys with the occasional use of 2.5 storeys to add visual interest. The maximum ridge heights should be 9.5m for two storeys and 11.5m for 2.5 storeys. This is in place to respect the surrounding area which is predominantly characterised by 1 and 2 storey dwellings and with only a few instances of 2.5 storey. With the exception of the flatted buildings (2.5 storeys with rooms in the roof), all houses will have two storeys with no roof accommodation shown. The two storey buildings have a ridge no higher than 9.5m but the flatter buildings are approximately 11.9m high and so slightly deviate from the Design Code. However, the flatted buildings are set within the core of the site and so have little visibility from outside

the site or the site edges. The scale of the development does not quite accord with the requirements of the Design Code but does respects the character of the surrounding area.

On the previously refused schemes, the affordable housing was clustered in the high-density southern parts of the layout bordering the sports pitch or the commercial area. This scheme has now improved in that respect. Whilst there is no affordable housing shown north of the main street or at the very western end of the site, the provision is now better spread out and is more interspersed with market housing. Although two of the three flatted buildings are to be comprised solely of affordable dwellings, the applicant has justified this in their letter dated 08/03/23 with reference to the specific requirements of affordable housing registered providers (RPs). Mixing affordable and market tenures within a communal building would create issues with management & ground rents/service charges and could lead to the RP not being interested in taking the building on. This justification has been accepted.

The applicant has also evidenced with street scene and elevation drawings that there will be no difference in design quality between the market and affordable house types. However, the fact remains that the only instances of terraced housing will be in the affordable tenure. As such, it will become obvious to future residents where the majority of the affordable tenants are living (excepting those living in 2 of the 3 flatted buildings or the semi-detached dwellings at plots 75/76 & 91/92). Therefore, the instances of affordable housing will not be completely hidden amongst the proposed house types. ALP policy AH SP2 is clear that affordable housing must be visually indistinguishable from market housing. The proposal therefore does not fully accord with the policy, and it is disappointing that the developer has not taken steps to mix the occupation of the terraced housing given previous comments on this matter.

The character areas and materials accord with the related Design Code with the exception of white cladding which has been incorporated into the design of some house types and garages. This material choice deviates from that suggested by the Design Code but the applicant has now advised that it is found locally in Angmering (Greenwood Drive, east of Station Road) and this has been checked. Whilst this is a deviation from the Code, it is an acceptable material choice.

Although there remain some conflicts with policy, the Design Code and the ADG, the proposal does represent a significant improvement in quality compared to the previous applications. It should also be noted that although a small part of the scheme, the layout comprising plots 1-7 matches the details as previously approved by A/46/22/RES.

PUBLIC OPEN SPACE & PLAY:

ALP policies OSR DM1 and HWB SP1 are relevant to the consideration of public open space and play provision but there are no applicable policies contained within the ANDP. The Council's supplementary planning document (SPD) for 'Open Space, Playing Pitches, Indoor and Built Sports Facilities' (January 2020) sets out specific requirements for on-site public open space (POS) and play provision.

The SPD sets out an overall requirement of 13,200m² of POS to include 1,936m² of play space. The play provision should comprise a Neighbourhood Equipped Area of Play (NEAP) and mix of Local Equipped Area of Play (LEAP) and informal Local Areas of Play (LAP).

The proposals include a parcel of land to the north-east corner of the site which will incorporate a LAP, alongside an area of land to the west which will include a LEAP. In addition, 2.1 hectares of land is to be gifted to the district council as sports pitches. The total provision exceeds the requirements, and the Landscape Officer raises no objections to these aspects except that there is not sufficient detail of the play area provision. This point can be covered by a planning condition and on this basis, there is no conflict with the relevant policies.

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 types 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).

Paragraph 63 of the "Updated Housing Needs Evidence" (September 2016) stated the evidence highlights a direction towards the provision of 2 and 3 bed units for market units and smaller affordable units. Table 29 identifies a suggested broad mix of market housing by size for the District:

- 1-bed dwellings: 5-10% of all dwellings.
- 2-bed dwellings: 40-45% of all dwelling.
- 3-bed dwellings: 35-40% of all dwellings; and
- 4+ bed dwellings: 10-15% of all dwellings.

Separate ratios are given for affordable rented and intermediate/starter homes however this element of the mix is governed by the s106 legal agreement. The following mix is proposed for the market dwellings on the site:

1 Bed: 0 (0%)
2 Bed: 33 (29.5%)
3 Bed: 37 (33%)
4 & 5 Bed: 42 (37.5%)
(total: 112)

This does not accord with the above suggested mix as there is an under provision of one bed houses, an under provision of two bed houses by 10% and an overprovision of four- and five-bedroom houses by more than 20%. ANDP policy HD3 requires that proposals should demonstrate how the applicant has sought to meet local needs and proposals should provide for a mix of housing sizes and the delivery of more small and fewer large dwellings is encouraged. There is clearly conflict with both of the relevant policies.

However, it is material that H DM1 allows for the mix to be negotiated on a site-by-site basis and this does not need to be in complete accordance with the latest SHMA. Furthermore, as H DM1 is the more recent policy, where there is conflict with the ANDP, this can be resolved in favour of compliance with the ALP. The applicant has provided a Housing Mix Assessment which assesses local needs and trends. It concludes that:

- The combination of demographic, market trend, and Mosaic consumer data analysis supports a development formed primarily of 3 and 4-bedroom houses to support younger working families with school age children.
- A much smaller proportion of 2 and 5-bed would also be justified.
- None of the evidence points to a need for flats or 1-bed properties.
- The delivery of predominantly 3 and 4-bed properties will help to reverse demographic trends which have led to the area being heavily weighted towards the 45+ age group; and
- This will only become more polarised towards the older population without delivery of the right types of housing to attract people in the 25-44 age group primarily.

It is also important to note that the increased use of larger homes results in a reduction in overall site

density in an edge of settlement location which is in itself in accordance with the ADG. The proposal can therefore be judged to be in accordance with ALP policy H DM1.

(B) Housing for Older People

ANDP policy HD3 requires that at least 25% of all dwellings should meet Lifetime Home Standards or its equivalent. Lifetime Homes no longer exist and have been replaced by parts M4(2) and M4(3) of the Building Regulations. The policy requirement for this scheme would be 40 homes.

Arun has an agreed internal policy on the provision of housing accommodation to provide for an ageing generation ("Accommodation for Older People and People with Disabilities", 2020). This is not adopted policy or a supplementary planning document but is considered to have some weight as a material planning consideration and is supported by references in ALP policies D DM1 & D DM2. This sets out a requirement for 80 homes meeting Building Regulations standard M4(2), 6 homes meeting the disabled suitable M4(3) standard and also provision of some bungalows.

The scheme proposes that 29 homes will be built to the M4(2) Building Regulations standard and 6 to the M4(3) disabled suitable standard. This is in conflict with the policies set out above. However, it is material that a condition was imposed on the outline permission which set a requirement that a minimum of 10% of all of the dwellings on the entire site (so 16) be designed and constructed to the Building Regulations M4(2) standard (suitable for older persons) and in addition, six dwellings are designed and constructed to the M4(3) wheelchair accessible standard. The proposal exceeds the minimum requested by the condition and this weighs in favour of the scheme despite the policy conflicts.

On the previous refused schemes, it was highlighted that the M4(2) and M4(3) provision was entirely within the affordable housing tenure. This would mean that those persons needing such accommodation but not being eligible for affordable housing would not be able to live on the site. This weighed against the previous submissions. The developer has now amended the provision so that 9 of the M4(2) plots are houses in the market tenure and that a further 9 are flats in the market tenure. The remaining 11 M4(2) homes are thus flats in the affordable tenure whilst all of the M4(3) are affordable flats. This is an appropriate response to the previous concerns.

(C) 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.
- Front to front: min. 16m between habitable rooms and site boundary to existing landscaping; and
- The rear gardens of residential houses should be at least 10.5m deep.

There is no impact on any existing residential properties outside of the site with around 30m between plot 3 and the corner of Wilmington in the north-eastern corner. There is at least 22m between the plots on the eastern side and the approved new homes on Arundel Road. This rises to 33m at the northern end (east of plot 8).

With the previously refused schemes, there were many instances of interfaces within the layout where the interface standards had not been met. The new scheme has a few instances of a back to side interface being 13.5m and one instance where it is only 13m (73 to 74), but this is acceptable given that the ADG is guidance not policy. There is one instance of a front-to-front interface being only 13m (23 to 24), but this is not a direct arrangement (it is offset) and so is acceptable.

There are also now only a few instances of an inadequate rear garden depth. Whereas previously on A/48/22/RES, there were six such instances, now there are only two (plot 24 at 10.4m and plot 26 at 10m). This is acceptable due to the ADG being guidance and with these plots having no dwellings behind them.

The ADG also states that front gardens should be 2m deep to provide houses with a defensible front space. Not all of the plots achieve this requirement however this aspect of the scheme is also a vast improvement on the previous and it is mainly those with frontage parking where this has not been met (thus there is still an element of defensive space between the road and the dwelling). Whilst there remains some deficiencies versus the standards, this is no longer the norm, and the scheme is a significant improvement on the previous application and the proposals can now be supported.

This application now includes flatted buildings (and a single maisonette dwelling) and the ADG sets out that flats require (1) private amenity spaces such as balconies or terraces of at least 3sqm of useable space; and (2) communal shared spaces - a minimum of 40sqm plus 10sqm for each unit if not provided as balcony space. The maisonette provision is appropriate with each of the two dwellings having a private ground floor space of 5m by 6m.

The scheme does not provide sufficient communal amenity space to meet the ADG requirements for all of the flatted buildings:

- 135-142 (8 flats) appear to have circa 120m² of grassed space to the front (need: 120m²).
- 143-151 (9 flats) appear to have circa 27m² of grassed space on one end (need: 130m²); and
- 152-160 (9 flats) appear to have circa 50m² of grassed space on one end (need: 130m²).

However, the developer has now included balconies to those elevations of the flatted buildings that overlook the adjacent open space or the parking areas. Orientation over these areas prevents any loss of privacy to facing/nearby windows. All of the flats in blocks A & C have a balcony/private patio and 6 of the 9 in block B have the same. The addition of these private spaces is positive. It is also material that all three flatted buildings are adjacent to an area of open space and that overall, the scheme overprovides on public open space. These factors serve to outweigh any conflict with the ADG in terms of amenity space for the flats.

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.

(D) Parking, Roads, and Public Footpaths:

ALP policy T SP1 and ANDP policy HD8 are relevant although the latter has been reduced weight due to the adoption of Arun Parking Standards SPD. WSCC Highways have raised no objections to the layout or the parking provision. The principle of up to 160 dwellings was deemed acceptable through the outline permission, with no concerns regarding highway safety or operation.

The application proposes a total of 362.5 private car parking spaces which includes on and off plot spaces, and half of the proposed 49 garage spaces (to allow for the SPD rule that garages are treated as providing 0.5 spaces). In addition, there are 34 visitor spaces. As per the parking standards SPD, the proposal generates a requirement for 364 allocated spaces and 32 visitor spaces. Overall, there is a very slight overprovision of parking (by 0.5 spaces).

It is also positive that the developer has now included disabled and accessible parking spaces. The ADG refers to the Manual for Streets (MfS) requirement to show a proportion (5%) of all parking spaces as suitable for the disabled. This was an issue on the previous applications and on the original drawings the subject of this application. The application has been amended and now proposes a disabled space for each of the M4(3) plots (6 in total) and 4 other accessible spaces spread through the site. This represents 2.5% of all spaces which does not meet the MfS requirement but as this is only guidance, it is acceptable.

Cycle parking is to be provided in stores within the rear gardens of dwellings, in garages or in communal stores (for the flats). This is acceptable but there are no details of the cycle sheds. However, a condition was imposed on the outline permission to ensure no dwelling shall be occupied until the cycle parking serving that dwelling have been constructed and are available to use. The existing Public Right of Way (PRoW 2176) footpath running north to south adjacent to the western boundary of the site will not be affected by the proposal.

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.

The proposal regarding roads, public footpaths and parking is in accordance with policies T DM1 and T SP1 of the ALP and HD8 of the ANDP.

(E) Waste Management:

ALP policy WM DM1 is relevant but, in this case, there are no issues with refuse vehicles accessing the site from Arundel Road, and the application is supported by refuse vehicle tracking (to which WSCC raise no concerns) as well as details of individual bin storage and communal bin stores. The application achieves sufficient provision for the storage of waste and kerbside collection is possible for all of the houses. The flats will have integrated bin stores on the ground floor which will be accessible to refuse vehicles. Overall, the development accords with policy WM DM1 of the ALP.

(F) Surface Water Drainage

This is a separate matter as drainage is covered by conditions 25, 26, 28 on the outline planning permission and will be agreed through the discharge of such conditions. In addition, condition 31 seeks to control proposed site levels. This application has not attracted any consultation advice from the council's own drainage engineers.

ALP Policy W DM3 and ANDP policy EH3 are both relevant. The applicant has indicated the siting of a large attenuation basin in the north-western corner of the site which along with a new ditch to the southern boundary (connecting to the existing western ditch) will deal with surface water runoff.

Whilst there is an objection from WSCC Drainage, the applicant has revised the submitted Flood Risk Assessment to respond to the concerns and it may well be that the objection can be withdrawn. Should there be a situation where the drainage conditions cannot be agreed in the future due to the layout not providing sufficient space then a new reserved matters application would need to be submitted to account for the necessary drainage changes. On this basis, this reserved matter application can be determined without the support of drainage engineers and therefore it is not necessary to demonstrate compliance with the relevant policies at this time.

(G) Biodiversity Net Gain:

ALP policy ENV DM5 states development schemes shall seek to achieve a net gain in biodiversity and protect habitats on site. 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 Ecological Mitigation and Enhancement Plan. The council's ecologist has assessed the details and raises no concerns subject to conditions plus future compliance with condition 23 on the outline. It is noted that 14 trees and 5 tree groups are to be felled across the site area (no hedges are proposed for removal). The proposed landscaping scheme shows the planting of a significantly greater number of new trees than the number to be lost (predominantly native species) so the proposals will also achieve an initial net gain in tree units on the site. The application demonstrates biodiversity enhancement and there is no conflict with ALP policy ENV DM5.

(H) Climate Change:

Condition 21 on the outline permission (as amended) requires the approval of measures to provide 10% of the energy supply of the development from decentralised and renewable or low carbon energy sources. 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 separate 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 ADG and development plan policies, overall, this new scheme is a significant improvement upon the previously refused applications. The policy and other conflicts are relatively minor and are outweighed by the benefits that the scheme will bring including the new sports pitches, affordable housing and the other obligations secured by the s106 legal agreement on the outline application. 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.

RECOMMENDATION

APPROVE CONDITIONALLY

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

- 30598A_ 01 Site Location Plan P1.
- 30598A_ 02 Existing Site Layout Plan P1.
- 30598A_ 03 Existing Site Section AA - CC P1.
- 30598A_ 04 Existing Site Section DD - FF P1.
- 30598A_ 10 Proposed Site Layout Plan P5.
- 30598A_ 11 Proposed Coloured Site Layout Plan P3.
- 30598A_ 12 Proposed Parking Strategy Plan P4.
- 30598A_ 13 Proposed Tenure Plan P4.
- 30598A_ 14 Proposed Refuse Strategy Plan P4.
- 30598A_ 15 Proposed Fire Strategy Plan P4.
- 30598A_ 16 Proposed Primary Material Plan P4.
- 30598A_ 17 Proposed Boundary Treatment Plan P4.
- 30598A_ 18 Proposed Heights Plan P4.
- 30598A_ 19 Proposed Interface Distance Plan P5.
- 30598A_ 20 Proposed Distribution Plan P2.
- 30598A_ 50 Proposed Street Elevations AA P1.
- 30598A_ 51 Proposed Street Elevations BB P1.
- 30598A_ 52 Proposed Street Elevations CC P1.
- 30598A_ 53 Proposed Street Elevations DD & EE P2.
- 30598A_ 54 Proposed Street Elevations FF P2.
- 30598A_ 300 Amberley P1.
- 30598A_ 305 Hampstead P1.
- 30598A_ 310 Harrogate Lifestyle P2.
- 30598A_ 311 Harrogate I P1.
- 30598A_ 312 Harrogate II P1.
- 30598A_ 315 Henley P1.
- 30598A_ 320 Leamington Lifestyle I P2.
- 30598A_ 321 Leamington Lifestyle II P2.
- 30598A_ 325 Leadsham P1.
- 30598A_ 330 Letchworth P1.
- 30598A_ 335 Marlow P1.
- 30598A_ 340 Overton Lifestyle P1.
- 30598A_ 345 Oxford Lifestyle P1.
- 30598A_ 350 Richmond P1.
- 30598A_ 355 Shaftesbury I P1.
- 30598A_ 356 Shaftesbury II P1.
- 30598A_ 360 Stratford Lifestyle I P2.

- 30598A_ 361 Stratford Lifestyle II P2.
- 30598A_ 365 Warwick I P1.
- 30598A_ 366 Warwick II P1.
- 30598A_ 400 Maisonette + Dart P2.
- 30598A_ 405 Tavy Terrace of 3 P1.
- 30598A_ 406 Tavy Terrace of 4 P1.
- 30598A_ 407 Tavy + Dart Terrace P2.
- 30598A_ 410 Dart Semi P2.
- 30598A_ 411 Dart Terrace of 3 P2.
- 30598A_ 412 Dart Terrace of 4 P2.
- 30598A_ 415 Tweed Semi P1.
- 30598A_ 500 Apartment Block A Plans P2.
- 30598A_ 501 Apartment Block A Elevations P2.
- 30598A_ 510 Apartment Block B Plans P4.
- 30598A_ 511 Apartment Block B Elevations P4.
- 30598A_ 520 Apartment Block C Plans P3.
- 30598A_ 521 Apartment Block C Elevations P3.
- 30598A_ 530 Proposed Garage Variations P1.
- Design & Access Statement Part 1 30598.
- Design & Access Statement Part 2 30598.
- Design & Access Statement Part 3 30598.
- Schedule of Accommodation 30598 A.
- Landscape Strategy - S401 120 H.
- Landscape Strategy 130 E.
- Hard Landscape 230 D (but not in respect of the play provision shown).
- Planting Plan Public Open Space 530 B.
- Planting Plan 1 of 6 531 B.
- Planting Plan 2 of 6 532 B.
- Planting Plan 3 of 6 533 B.
- Planting Plan 4 of 6 534 B.
- Planting Plan 5 of 6 535 B.
- Planting Plan 6 of 6 536 B.
- Tree Removal & Protection Plan 715 B.
- Highway Geometry and Visibility Splays C86473 JNP 66 XX DR T 7109 P06.
- Refuse Vehicle Swept Path Analysis C86473 JNP 66 XX DR T 7110 P06.
- Fire Tender Swept Path Analysis C86473 JNP 66 XX DR T 7111 P06.
- Refuse Vehicle Swept Path Analysis C86473 JNP 66 XX DR T 7112 P04.
- Phase 2 Ecology Survey Report ECO01659 (March 2023); and
- Ecology Mitigation and Enhancement Strategy ECO01659 A (March 2023).

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 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Phase 2 Survey Report (RPS, March 2023, Ecological Mitigation and Enhancement Strategy (RPS, Rev A, March 2023), the "Ecology Constraints Plan and Report" (RPS, 02 Rev 05), and in particular the Figure 1 Ecological Mitigation and Enhancement Plan (within the March 23 Strategy); as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This may include the appointment of an appropriately competent person e.g., an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the

approved details.

Reason: To conserve and enhance protected and Priority species, in accordance with Arun Local Plan policy ENV DM5 and to allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

- 3 Any works which will impact the breeding / resting place of Hazel Dormice, shall not in in any circumstances commence unless the local planning authority has been provided with either:

(a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or

(b) a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence.

Reason: To conserve protected species, in accordance with Arun Local Plan policy ENV DM5 and to allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s17 Crime & Disorder Act 1998. This is required to be a pre-commencement condition as otherwise there would be a risk of harm to protected species and their habitat.

- 4 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.

- 5 Notwithstanding that the details of soft landscaping are approved through this decision; no development above damp-proof course (DPC) level shall take place unless and until full precise details of the proposed public play provision have been submitted to and approved in writing by the Local Planning Authority. The drawings shall be at an appropriate scale to allow the layout to be properly understood and shall include both play details, seating, landscaping, surface treatments and boundary treatments. The public play provision shall be implemented in accordance with the approved details prior to occupation of the 80th dwelling and permanently retained thereafter.

Reason: To ensure that play provision is in place for future residents in accordance with policies OSR DM1 and HWB SP1 of the Arun Local Plan.

- 6 No development above damp-proof course (DPC) level shall take place until full details of the proposed screen walls and fences shown on drawing 30598A/17 P4 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 or the wider site have been erected. As per the proposals in the Ecological Mitigation and Enhancement Strategy (RPS, Rev A, March 2023), the details to be provided shall also ensure that small gaps are provided at the bottom of all solid fenced 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.

- 7 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.

- 8 A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the occupation of the development. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan; and
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed, and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: In accordance with Arun Local Plan policy ENV DM5 and to allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

- 9 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.

- 10 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,

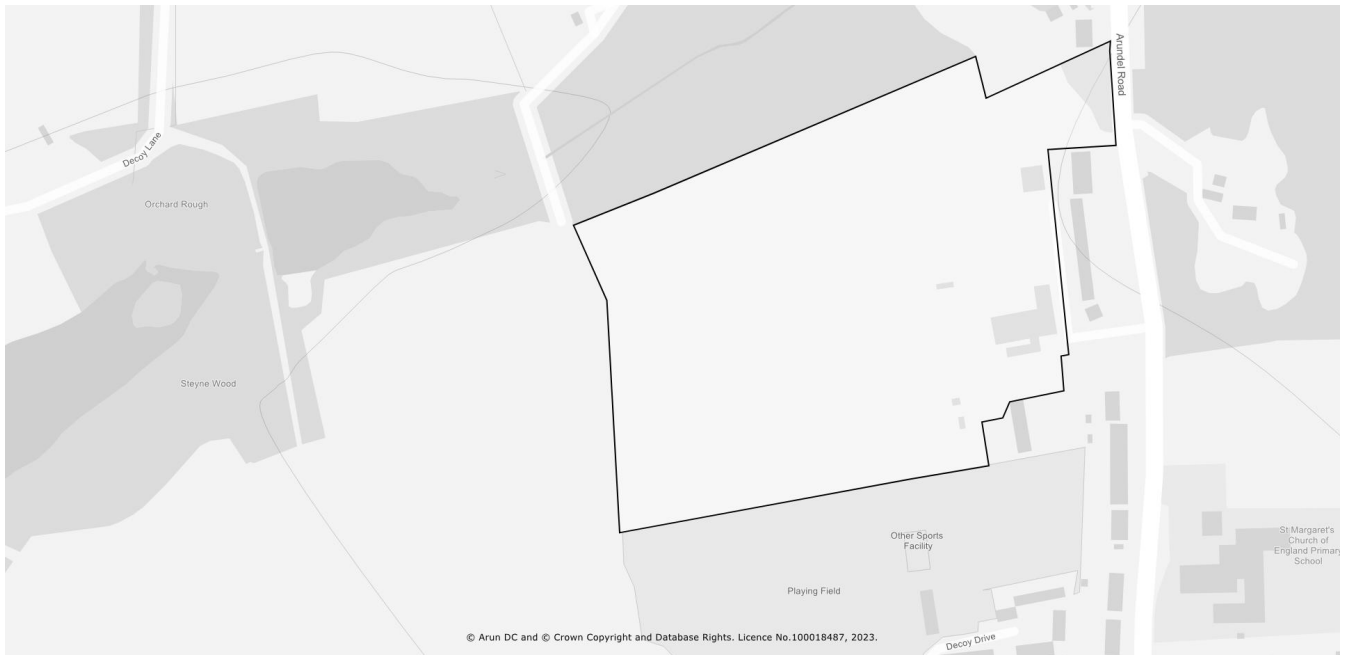
the imposition of temporary parking restrictions requiring a Temporary Traffic Regulation Order, the erection of hoarding or scaffolding within the limits of the highway, the provision of cranes over-sailing the highway.

- 11 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.
- 12 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.
- 13 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.
- 14 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.
- 15 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.
- 16 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.
- 17 INFORMATIVE: In the interests of crime prevention and deterrence, the development should incorporate security measures in accordance with the consultation advice of Sussex Police (dated 23/01/23) as available on the Councils website.
- 18 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>.

BACKGROUND PAPERS

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](https://www.arun.gov.uk/weekly-lists) and entering the application reference or directly by clicking on [this link](#).

A/282/22/RES - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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