

## REPORT UPDATE

Application No: A/11/23/PL

Reason for the Update / Changes

ADDITIONAL REPRESENTATIONS:

Angmering Parish Council (APC) have stated that they maintain no objection to the development in principle, however careful consideration is still required by the Committee to ensure that their remaining concerns with regard to the potential harm to the Conservation Area and increased flood risk are addressed. Full comments are available to view on the Council's website, but in summary these are as follows:

- APC concurs with the comments made by the Conservation officer are disappointed that windows, doors and rainwater goods are proposed to remain UPVC.
- APC note the refusal of an application to change 25 windows from timber to UPVC in an existing property further along the High Street and strongly oppose the use of UPVC rather than timber for windows and doors in the proposed scheme. However, if UPVC is agreed it must be of the highest possible quality and secured by an appropriate condition.
- APC consider the use of flint on the two properties fronting the High Street to be more fitting for the conservation area but note the views of the Conservation Officer in this regard.
- APC request render to be beige or cream in colour which would be more in keeping with the colours of properties further along the High Street.
- APC agree with the Drainage Engineer Report (14 June 2023) and urge officers/committee to be sure that the flood risk to other property owners in the vicinity is not increased.
- APC note the further response received from the Environment Agency.

An additional letter has been received raising no objection but making the following comments:

- Proposed position of the electricity substation goes against the recommendations of the National Grid.
- The substation is too close to homes in Cumberland Crescent and should be at least 75 metres away.
- There is a potential risk of EMF radiation.

ADDITIONAL CONSULTATION RESPONSES:

The Environment Agency have provided an update consultation response. Full comments are available to view on the Council's website, but in summary they are satisfied that their initial objection submitted on 7 February 2023 can be removed subject to conditions requiring the following:

1. Compliance with the submitted Flood Risk Assessment, including setting finished floor levels no lower than 6.40 metres above Ordnance Datum;
2. Submission and approval of a remediation strategy to deal with the risks associated with the contamination of the site;
3. Submission and approval of a verification report demonstrating the completion of works set out in the approved remediation strategy, and their effectiveness;
4. Submission and approval of a monitoring and maintenance plan in respect of contamination;
5. Submission and approval of a remediation strategy in the event that previously unidentified contamination is found during development; and
6. Written consent for piling using penetrative methods.

Conditions to secure the information requested as part of 1-5 have already been included. Condition 6 has been added.

**ADDITIONAL DOCUMENTS:**

An Energy Statement was received on 7 August 2023, which provides details of how the development will meet the energy efficiency standards set out by the Council. Full details are available to view on the Council's website, but in summary the proposals comprise:

- Utilising a good thermal envelope to minimise heat loss;
- Efficient heating and lighting systems;
- Low carbon technologies in the form of mechanical ventilation with heat recovery (MVHR) and air source heat pumps (ASHP);
- Water saving sanitaryware; and
- Solar Photovoltaic (PV) panels.

Officers consider that the proposed energy efficiency measures comply with policies ECC SP1 and ECC SP2 of the Arun Local Plan.

**ADDITIONAL COMMENTS SINCE AUGUST COMMITTEE**

The application was due to be determined at Committee in August 2023.

Following the submission of a Financial Viability Assessment claiming that the proposal could not deliver any affordable housing on-site, independent consultants, Dixon Searle Partnership were instructed to carry out a desk-top study considering the site context from the information supplied by Arun District Council and using available web-based material.

Dixon Searle Partnership have carried out detailed sensitivity testing based on amendments to the development appraisal and concluded that in their view the scheme is highly marginal in terms of its ability to support an affordable housing contribution alongside the other community and infrastructure costs.

The recommendation remains the same as previously.

Officers Comment:

The changes to conditions show under Officers Recommendation at the end of the attached report.

**Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report.**

**PLANNING APPLICATION REPORT**

**REF NO:** A/11/23/PL

**LOCATION:** BMW House  
Chandlers Garage Ltd  
Water Lane

Angmering  
BN16 4EH

**PROPOSAL:** Demolition of all buildings and structures and erection of retirement apartments with onsite car parking including 2 No spaces for Eachways and associated highways works including footway widening (resubmission following A/110/21/PL). This application affects the setting of listed buildings, affects the character and appearance of the Angmering Conservation Area and is in CIL Zone 2 and is CIL liable as Older People's Housing

## SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This planning application is for the erection of 35 retirement apartments (independent living), together with the provision of 34 car parking spaces and communal space, following the demolition of the existing commercial buildings and a house ('Phares Courtledge') that currently occupy the site. Vehicular and pedestrian access to the site would be from Water Lane.
SITE AREA	0.44 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	80 dwellings per hectare.
TOPOGRAPHY	Predominantly flat with a gentle rise in height to the southwest corner. The site has embankment walls to the south and east sides and subsequently the land to the south and east is at a substantially higher level in height than the application site.
TREES	None of any significance affected by the development.
BOUNDARY TREATMENT	The site is open to its boundaries, however on the eastern and southern sides the site is bounded by embankment cuttings of up to 4.0 metres in height.
SITE CHARACTERISTICS	The site is situated in the centre of Angmering Village and was previously used as showrooms, workshops, offices and ancillary accommodation by a car dealership (Chandlers BMW) which has re-located elsewhere within the district. The site is bordered by two roads: by Water Lane to the north and by High Street to the west; and to the south and east by existing residential development. The part of the site facing High Street is located within Angmering Conservation Area; and a Grade II Listed Building, 'Eachways' is located adjacent to the site. The site is irregularly shaped. In general, the whole site is reasonably level, having extensive retaining wall boundaries to the eastern and southern boundaries which will be fully exposed once the site is cleared of the existing structures. This is compared to the High Street which rises in a roughly easterly direction from The Square. The Water Lane frontage is open to the road and footpath with two existing access points. This frontage is made up of the existing single storey showroom buildings (with a two-storey building behind) and covered car sales areas with views through to the development land beyond as well as the rears of the stepped

houses of Cumberland Crescent.

CHARACTER OF LOCALITY

The site is in a predominantly residential area. It is bound to the south west by High Street with a variety of shops and services.

**RELEVANT SITE HISTORY**

PAA/114/22/	Erection of retirement living apartments (Category II).	Refuse Pre App 15-02-23
A/110/21/PL	Erection of retirement apartment with 20 No. 1 Bed flats & 13 No.2 Bed flats with communal facilities & car parking, erection of a retail store with car parking & associated highway works. This application affect the character & appearance of the Angmering Conservation area, affects the setting of listed buildings and is in CIL Zone 2 (Zero Rated) as other development.	Refused 08-10-21  <b>Appeal: Dismissed 26-07-22</b>
PAA/141/20/	Retirement Living Apartments And Retail Store.	Refuse Pre App 12-03-21
A/45/19/PL	Demolition of existing buildings (car show room, workshops and Phares Courtledge) and erection of 19 dwellings, a convenience store, a community building, public toilets and associated car parking and landscaping - This application affects the character and appearance of the Angmering Conservation Area.	Refused 28-05-20

The most recent application (ref. A/110/21/PL) was refused in October 2021 and subsequently dismissed at appeal in July 2022 (ref. APP/C3810/W/22/3292333).

In the appeal decision, the Inspector stated that there would be a number of benefits from the development, including much needed specialist housing, a modest provision of affordable housing and the social economic and health benefits of the scheme together with the benefits of developing previously developed land (PDL) and improving the setting of the rear of Eachways.

However, ultimately the Inspector concluded that the significant harms to the character and appearance of the Angmering Conservation Area and the adjacent listed building (Eachways) would not be significantly and demonstrably outweighed by the collective benefits of the scheme.

**REPRESENTATIONS**

ANGMERING PARISH COUNCIL - No objection. In principle Angmering Parish Council (APC) feels that there is now a general acceptance of this application. It feels that much effort has been made to comply

with requests to consider the layout, design and materials of the Conservation Area.

However, there are still concerns relating to: -

- The increased number of apartments which could be seen as overdevelopment of the site and traffic impact on the village centre.
- Limited parking facilities, for visitors to the apartments and may be in conflict with the already poor parking facilities within the village where they could be seen as additional parking for shoppers and visitors to the village centre thereby causing a problem to residents of the apartments.
- APC requests that ADC review the height of the 2.5 storey buildings adjacent to Cumberland Crescent as APC feels that they are above the permissible height for such buildings.
- APC feels that the level of contribution to affordable housing does not meet the requirements for such large developments as laid down in the local plans etc. This should be reviewed.
- With regard to widening the footpath more information and construction is needed. APC would also like to point out that should any of the current kerb stones need to be removed for construction then they should be re-incorporated into the design and if necessary re-sourced - it must be pointed out that these kerbstones are an integral part of the Conservation Area design and material.
- It is feared that the sub-station is too close to the residents in Cumberland Crescent, the location of this should be re-considered.
- Angmering Parish Council are liaising with the developers directly over the positioning of the public toilets.

15 letters of objection from 14 individual Arun residents on the following grounds:

- Public toilets would result in impacts on residential amenity and in terms of antisocial behaviour.
- Increase in flood risk off-site and additional pressure on foul and surface water drainage infrastructure.
- Insufficient car parking spaces are proposed for the number of residents (i.e. 32 spaces for 40 apartments).
- Insufficient green space proposed within the site.
- Increase in pressure on already overstretched local infrastructure.

The Arun District Conservation Area Panel objects on the following grounds:

The Panel support the principle of the redevelopment of the site and the removal of buildings and structures which have impacted adversely on the setting and the character and appearance of the conservation area. However, there is still the requirement embodied in the NPPF and ADLP to ensure that any new development respects local distinctiveness, is of good design, and protects and enhances the character and appearance of the conservation area together with the setting of nationally and locally listed buildings.

There have been considerable improvements made in the current application in terms of layout which now provides more space about Eachways but the Panel consider that the scheme is still not up to the standard required for this sensitive location for the following reasons:

- The proposed blocks that front the main entrance parking area still visually crowd Eachways, particularly as viewed from The Square and Water Lane and detract from the setting of the historic building. This could be alleviated to a certain extent if significant tree planting was provided immediately to the south of car parking spaces 26-29.
- The quasi-vernacular style of architecture used is a valid attempt to emulate the style of 19th/early 20th century buildings in the conservation area, however this requires a truthfulness to traditional materials, finishes and detailing in order to be successful.
- The proposed bricks and plain clay tiles are considered to be satisfactory, however the use of UPVC

fenestration is inappropriate given the historical and heritage context.

- Painted timber windows are essential and should be used with the correct opening mechanisms i.e., vertically sliding (not top hung) sash windows.
- If the Council agrees to the use of UPVC for windows, eaves, bargeboards, verges, fascias, etc., then it must be of the highest quality with wood grain effect.
- All casement windows must have the same frame dimensions for fixed and opening sashes.
- Natural roofing slates should be required rather than the man-made interlocking slates shown.
- Flint panels should use the correct size, type and pattern of flintwork and be installed and pointed accurately. Sample panels need to be erected in-situ for the Council's agreement.

9 letters of support from Arun residents on the following grounds:

- The development would make good use of a vacant (brownfield) site that has been derelict for a significant period.
- The design and materials are sympathetic to the area, with good separation from Eachways.
- The development would provide much needed accommodation to cater for those wishing to move into retirement housing.
- Green frontage is a positive inclusion.
- Removal of the previous convenience store elements reduces traffic movements and associated requirement for HGV access.

#### **COMMENTS ON REPRESENTATIONS RECEIVED:**

Public toilets: A number of the objection letters received focus upon the inclusion of public toilets as part of the scheme. It should be noted that this element has been removed through the submission of updated plans and drawings, and no longer forms part of the scheme.

Parking provision: West Sussex County Council (WSSCC) Highways have commented on the 40-unit scheme originally submitted and raised no concerns regarding the level of parking provision on-site, which they consider to be appropriate in line with the evidence previously submitted to demonstrate an acceptable level of parking for this type of retirement/restricted age development. Furthermore, the subsequent reduction in the number of units from 40 to 35 can only be considered to have had a positive impact in this respect.

All other planning related comments are noted and covered in the Conclusions section of this report.

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

LOCAL HIGHWAY AUTHORITY: No objection subject to comments. The Local Highway Authority (LHA) has previously provided various responses on the previous proposals on the site and raised no objection to the A/110/21 application. The revised scheme has removed the commercial retail store aspect of the development that was also proposed on the site, and this will significantly reduce the level of trips to/from the site in comparison. 32 parking spaces are proposed with an additional 2 for Eachways, in line with the evidence previously submitted to demonstrate an acceptable level of parking for this type of retirement/restricted age development. The LHA note that two access points will remain, and that the delivery bay aspect of the previous proposal has been removed. These access points will now only serve as access for residents and visitors, with the eastern access point serving for refuse collection. The proposed pedestrian improvement works are the same as agreed under A/110/21. There are gated paths that lead from plots 12, 13 and 14 onto the High Street where there is no pavement, and this area is

almost always used for parking. It would not be ideal to introduce walking routes directly into the carriageway, specifically where parking occurs. Directing pedestrian movement to a dedicated crossing would be preferable. No new or revised Road Safety Audit (RSA) has been provided and given the changes to access for the site as detailed above and the removal of the delivery bay, the LHA would require the RSA and RSA Response Report to be updated for the site.

WSSC FIRE & RESCUE SERVICE: No objection. Further information is required showing that all parts of all dwellings are within 45 metres of a fire appliance or a dry riser outlet. Any dwelling that is more than 45 metres away would need to be mitigated by the installation of domestic sprinkler or water mist systems; but this would be covered by Building Regulations.

ENVIRONMENT AGENCY: Object in the absence of an acceptable Flood Risk Assessment (FRA). The submitted FRA does not comply with the requirements for site-specific FRAs set out in the planning practice guidance and does not therefore adequately assess the flood risks posed by the development. In particular, the FRA fails to outline Floodplain Compensation related to the raising of the ground to allow the proposed finished floor level to be achieved. In order to overcome the objection, plans should be submitted detailing which areas of ground are being raised to achieve the finished floor levels and sleeping accommodation should be placed 300mm above the modelled flood levels to reduce the risk to occupants.

ADC DRAINAGE (EXTERNAL CONSULTANTS): Holding objection subject to the receipt of further information, as follows:

- A CV valve of 1 should be used in accordance with the West Sussex Councils Policy for Management of Surface Water to ensure the volume of proposed attenuation is sufficient and will not impact the proposed site layout.
- The Environment Agency's mapping indicate that the application site lays in an area with a low to high risk of surface water flooding and further information is required on how the risk of surface water flooding will be mitigated and managed ensuring the indicated surface water flooding does not impose and risk on the proposed development or surrounding areas. The information within the submitted Flood Risk Assessment unsatisfactory.
- Further information and justification is required for the proposed 50% reduction method when calculating the proposed discharge rate. The applicant should provide confirmation from the Environment Agency that they agree with the proposed discharge rate.
- Root protection Areas should be included on the drainage drawings.
- A Catchment Area Plan is required to aid in the assessment of the proposed Surface Water drainage plans.
- A proposed levels drawing is required to aid in the assessment of the proposed Surface Water plans.

ADC ENVIRONMENTAL HEALTH: No objection subject to the inclusion of conditions regarding air quality, land contamination, electric vehicle charging points, external lighting and the submission of a Construction Management Plan.

ADC ECONOMIC DEVELOPMENT: No specific comment on this application but would like to see an Employment and Skills Plan in place for the development.

ADC ARCHAEOLOGY: No objection. It is unlikely that anything of archaeological interest that this site may have held would have survived 20th century development.

ADC CONSERVATION OFFICER: Part of the site is located within the Angmering Conservation Area and the site is immediately adjacent to a Grade II Listed Building called 'Eachways'. The Lamb Public House (Grade II listed) and the war memorial are located within close proximity of the site, together with

a number of locally listed buildings to the south of the site around the High Street and The Square. There has been some improvement in the design of the development since the previously refused scheme which have helped to either improve the scheme, or satisfactorily mitigate it. However, there are still some issues which would mean that some harm would still result, for instance the use of inappropriate materials. The proposal is such that the impact can be described as causing less than substantial harm in accordance with paragraph 202 of the NPPF (2021). As such, the public benefits that the development may achieve will need to be considered, along with the contents of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

**ADC ECOLOGY:** No objection subject to conditions securing biodiversity mitigation and enhancement measures.

**ADC GREENSPACE:** No objection subject to the implementation of a tree protection scheme and any removal of trees being agreed with the Council's Tree Officer, alongside appropriate mitigation measures.

**SUSSEX POLICE:** No objection. The development should be designed to be Secured by Design standards. The apartments should have access controls. Car parking must be within view of an active room within a property. Consideration should be given to secure post boxes and lighting throughout the development.

**WSCC INFRASTRUCTURE:** WSCC is requesting developer contributions by means of a S106 Agreement towards:

- Library: £12,781 to be used towards additional facilities at Angmering Library.
- Fire and Rescue: £924 to be used towards supply and installation of additional fire safety equipment / smoke alarms to vulnerable persons homes in West Sussex Fire Rescue Services Southern area serving Angmering.

From 1st April 2020 WSCC has implemented a S106 monitoring fee of £200 per trigger, per year of monitoring.

**ADC TREE OFFICER:** No response received.

**NHS SUSSEX:** No response received.

**ADC RESIDENTIAL SERVICES:** No response received.

### **COMMENTS ON CONSULTATION RESPONSES:**

All planning related comments are noted and covered in the Conclusions section of this report. The following additional comments are provided in relation to consultation responses from the Local Highway Authority, Environment Agency and ADC Drainage:

#### Local Highway Authority

The gated paths leading from plots 12, 13 and 14 onto the High Street are a heritage feature and have been specified with fixed (i.e., non-opening), 'lookalike' gates as part of subsequent revisions to the scheme. As such, they will not allow access to the High Street and will prevent conflicts between pedestrians and vehicles.

An update RSA has been submitted together with a Designers Response. The RSA does not raise any fundamental concerns, with the two main comments relating to the intervisibility along Water Lane and the proposed crossing point across High Street.



Intervisibility at the crossing on Water Lane was previously addressed through the provision of a TRO to introduce double yellow line parking restrictions in the vicinity of the visibility splays. This was previously omitted from the revised application but has been reinstated. As per the previous application, the exact nature of the parking restrictions will be determined through detailed design and has been shown indicatively on drawing 034.0152-0007 submitted as part of the RSA. The proposed pedestrian crossing on the High Street is as per the previous arrangement, which was determined to be the most appropriate arrangement following a review by the LHA's road safety team.

As stated, the LHA has previously provided various responses on the previous proposals on the site and raised no objection to the previous application (A/110/21/PL). The LHA have been reconsulted on the above and it is anticipated that the outstanding issues will be resolved prior to Committee.

### Environment Agency

Following receipt of comments from the Environment Agency (EA) the applicant has confirmed that the design flood level is prescribed as 6.33m above Ordnance Datum (AOD) based on the worst case 0.01% (1/1000 yr) annual probability event and 6.03m AOD based on the 1% (1/100 yr) annual probability event. The Finished Floor Level (FFL) of the proposed building is 6.4m AOD, which is 370mm above the 1/100 year flood levels and 70mm above the 1/1000 year flood levels.

Furthermore, submitted plan SO-2729-03-DE-0700 illustrates the extents of Flood Zones 1 & 2 in relation to the footprint of existing and proposed buildings and demonstrates that the proposals reduce the extent of the built footprint by 130m<sup>2</sup> in Flood Zone 1 and 50m<sup>2</sup> in Flood Zones 2.

The EA were consulted on the previous application (A/110/21/PL) and raised no objection on flood risk grounds, only requesting that a condition be imposed ensuring that FFLs are set no lower than 6.4m AOD for all apartments. The EA have been reconsulted on the above and it is anticipated that the outstanding issues will be resolved prior to Committee.

### ADC Economic Development

Whilst ADC Economic Development have requested that an Employment and Skills Plan be put in place for the development, it should be noted that policy SKILLS SP1 of the Arun Local Plan (ALP) only requires this for the construction phase of residential developments of more than 50 homes. As the proposal is for 35 homes, this is not deemed to be a requirement.

### ADC Drainage (External Consultants)

Following receipt of comments from ADC Drainage, the applicant has submitted an updated Drainage Strategy Report and accompanying letter, which sets out the following responses:

- A CV value of 1 has been added to the calculations within the updated Drainage Report and the Drainage Layout amended to suit.
- The majority of the site is shown to have a low or very low risk of surface water flooding, which would be managed via the site's proposed drainage strategy. The EA's surface water flood maps are indicative only and do not take account of local drainage infrastructure. Areas of the site indicated to be at medium or high risk of surface water flooding are very limited and are associated with the alignment of Black Ditch along Water Lane only; the risk of flooding from this source would be managed via the proposed fluvial flood risk mitigation measures for Black Ditch (raised FFLs, etc.).
- A request was sent to the EA for an acceptable discharge rate on the 20th June 2023 and will be forwarded on receipt.

- Root protection zones recoloured on drawing and added to Key. Drainage layout reissued and added to the Drainage Strategy Report.
- Catchment Areas shown on the micro drainage plans submitted with the calculations within the Drainage Strategy Report (Appendix E).
- Proposed site levels referenced on drawing SO-2729-03-LA-001 and added to the drainage layout drawing.

It should be noted that ADC Drainage raised a holding objection on the previous application (A/110/21/PL) pending the submission of additional information, including evidence to demonstrate the maximum storage available on site and the associated discharge rate; a gravity surface water drainage system; and details of pollution mitigation indices delivered through drainage proposals. However, it was subsequently deemed that the outstanding information could be secured via suitable conditions, as set out in the Officer's Recommendation Report, and drainage was not raised as an issue as part of the Inspector's appeal decision.

ADC Drainage have been reconsulted on the above and it is anticipated that the outstanding issues will be resolved prior to Committee.

### POLICY CONTEXT

Designation applicable to site: Within the Built-Up Area Boundary in the Arun Local Plan and in the Angmering Neighbourhood Plan. The site is partly within the Angmering Conservation Area.

### DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
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
HDM2	H DM2 Independent living and care homes
HERDM1	HER DM1 Listed Buildings
HERDM3	HER DM3 Conservation Areas
HERSP1	HER SP1 The Historic Environment
HWBSP1	HWB SP1 Health and Wellbeing
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QEDM3	QE DM3 Air Pollution
QEDM4	QE DM4 Contaminated Land
QESP1	QE SP1 Quality of the Environment
RETSP1	RET SP1 Hierarchy of Town Centres
SDSP2	SD SP2 Built-up Area Boundary
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development

WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management
WSP1	W SP1 Water

<a href="#">Angmering Neighbourhood Plan 2014 POLICY EH1</a>	Development in the Conservation Area
Angmering Neighbourhood Plan 2014 POLICY EH3	Flood Prevention
Angmering Neighbourhood Plan 2014 POLICY ER1	Retail Provision
Angmering Neighbourhood Plan 2014 POLICY HA3	Chandlers Site
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 HD4	Materials
Angmering Neighbourhood Plan 2014 POLICY HD5	Built Form
Angmering Neighbourhood Plan 2014 POLICY HD6	Housing Layout & Design
Angmering Neighbourhood Plan 2014 POLICY HD7	Housing Density
Angmering Neighbourhood Plan 2014 POLICY HD8	Parking for New Developments
Angmering Neighbourhood Plan 2014 POLICY TM1	Local Highways
Angmering Neighbourhood Plan 2014 POLICY TM2	Cycling Walking & Equestrian

#### PLANNING POLICY GUIDANCE:

NPPDG	National Design Guide
NPPF	National Planning Policy Framework
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, 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 Angmering Neighbourhood Plan (ANP) was made on 11th March 2015 and is therefore over 2 years old and has limited weight. Relevant ANP policies have been taken account of and are addressed in the Conclusions section of 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."

Section 70(2) of TCPA 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, 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.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Listed Buildings Act) : "In considering whether to grant planning permission for development which affects a Listed Building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".

Planning (Listed Building and Conservation Areas) Act 1990 Section 72 (1)

"In the exercise with respect to any buildings or other land in a Conservation Area of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area".

#### **OTHER MATERIAL CONSIDERATIONS**

The proposed development is located within the Built Up Area Boundary wherein the principle of residential development is accepted. It is also acknowledged that the Council cannot currently demonstrate a 5 year housing land supply and some planning weight should therefore be afforded to the fact that the proposed development would make a meaningful contribution to the Council's identified housing need.

#### **CONCLUSIONS**

##### **PRINCIPLE**

The proposed development falls within the Built-Up Area Boundary (BUAB) in the ALP and the ANP. The site is also allocated for residential development for at least 20 dwellings in Policies HD2 and HA3 of the ANP (HELAA Ref. A1513).

Policy H DM2 of the ALP supports the provision of specialist accommodation, known as sheltered housing; whether the proposed development addresses the criteria in this policy will be covered in the relevant sections below.

The proposed residential (independent living) development would make efficient use of this previously developed site and is acceptable in principle, subject to other policies within the Development Plan.

Conclusion on Matters of Principle:

The site is allocated for residential development for at least 20 dwellings in Policy HD2 and Policy HA3 of the ANP. The proposed development of 35 retirement apartments (independent living) on the site would also contribute to the Council's Five-Year Housing Land Supply. The principle of development is therefore supported.

## DENSITY

Policy D DM1(13) of the ALP requires the density of new housing to make efficient use of land while providing a mix of dwelling types and maintaining character and local distinctiveness. It goes on to state that higher densities will be more appropriate in the most accessible locations and that proposals should take into account the density of the site and its surroundings. Similarly, policy H DM2(d) requires the design and scale of new and extended independent living care homes to be appropriate to the local context.

The proposed footprint of the development comprises 0.44 hectares, which is located entirely within the BUAB in accordance with Policy SD SP2 and Policy H DM2(a) of the Local Plan and Policy HD1 of the ANP. The site is allocated for residential development for at least 20 dwellings in Policy HD2 and Policy HA3 of the ANP, however this proposal is for 35 dwellings in the form of apartments, which would be a significant increase from the number of dwellings allocated for the site.

The development of 20 dwellings on the site (in accordance with Policies HD2 and HA3 of the ANP) would comprise a density of 45 dwellings per hectare. The proposed development of 35 apartments on the site represents a density of 80 dwellings per hectare, which is very high at nearly double that of the allocation.

At Figure 80, the Arun Design Guide (ADG) provides guidance on densities and specifies that typical densities in villages are 20-30 dwellings per hectare, with flats in villages usually around 30-50 dwellings per hectare and density of 60-100 dwellings per hectare, as is the case here, being typical of apartment developments in town centres. The ADG also states that in general, higher densities would be appropriate in town and village centres, and schemes should focus higher density areas and provision of facilities around existing focal points, such as town and village centres. The Design and Access Statement provides a justification for a higher density development in this location.

The matter of density was raised in relation to the previous application (A/110/21/PL) as part of the Inspector's appeal decision. At the Inquiry, it was established that the ANP sets a figure of at least 20 dwellings for this site, and it was not disputed that the policy requirement would not prevent a greater number of units being provided on this site. However, it was also acknowledged that the policy does not mean that the site can accommodate substantially more than that suggested number and the site's capacity is inevitably dictated by a judgement on the compliance with other policy matters. At the time, the appellant conceded that optimisation does not mean putting as much development as was physically possible rather than a site is developed 'as far as is possible within its constraints'.

The Council's reason for refusal of the previous application in this respect refers to conflict with policies HA3, HD2 and HD7 of the ANP. Policies HA3 and HD2 refer to development in excess of 20 units on the Chandlers site and include criteria to ensure that proposed development addresses flooding, provides pedestrian crossings, and supports additional short term parking spaces for shoppers using the core facilities in the village. The Inspector found no substantive conflict with policies HA3 and HD2 in terms of the number of units or the criteria. Similarly, Policy HD7 refers to housing density with which there is conflict only in so far as it produces a building of a scale and mass which results in harm to the surrounding area in the context of other policies; in this case primarily those related to heritage impacts.

Based on the approach taken by the Inspector concerning the previous application at this site, the proposed development complies with policies D DM1(13) and H DM2(d) of the ALP and policies HD2, HA3 and HD7 of the ANP.

## SCALE AND BUILDING HEIGHTS

The proposed development is for retirement living apartments in the form of Category II type sheltered housing). The development would be essentially 2-storeys in height, which is consistent with the majority of properties in this location.

The proposal comprises an apartment block, approximately L-shaped in plan, with short terraces of cottage-style apartments fronting onto High Street and Water Lane. The scale of the development is relatively responsive to the site's surroundings with two storey buildings surrounding the site on High Street, Water Lane and Cumberland Crescent. Roof forms are generally gable ended with some half-hipped roofs in order to add variety and interest to the street scene and reduce mass and bulk. Ridge heights are similarly varied and accord in general terms with the built form in the vicinity of the site.

The proposed building fronting onto High Street would sit forward of Eachways (Grade II Listed Building) and would have a higher ridge height, as shown on Drawing No. SO-2729-03-AC-320 Rev. C - Site Sections. However, this element has been scaled down substantially in comparison to the previous application, with greater separation from Eachways and a gradual stepping of the ridgeline up the hill towards Angmering Villas to the south. The building line has also been pulled back from the High Street frontage and coupled with additional tree and landscape planting, this has served to reduce the previously overbearing effect on the Listed Building.

The proposed scale of the scheme adjacent to Eachways (Grade II listed building) is therefore considered appropriate and in scale with surrounding development, in line with the requirements of policies D DM1(14) and H DM2(d) of the ALP and policy HD5 of the ANP.

### LAYOUT AND APPEARANCE

The footprint of the building would be roughly an L-shape, 2 storeys in height and in a cottage style. In order to assess the proposals, the development has been divided into segments, with each denoted by its orientation and frontage.

The northern elevation onto Water Lane:

The northern elevation has a complex but traditional design comprising combinations of facing bricks, flint panels and render, with red clay tiles and natural slate on the roofs, with an active frontage within the site. This serves to break-up the frontage onto Water Lane and allows it to be read as a terrace of houses, which is reflective of other buildings found in the immediate area and is a positive feature. The development would be seen from The Square, in contrast with the existing single storey commercial development, however, this is acceptable as the height and appearance of the proposed convenience store would be in keeping with many of the buildings in The Square and in the village centre.

The western elevation onto High Street:

The existing properties on High Street, close to the site, are tight knit and create an intimate streetscape and all the existing buildings in The Square front onto it.

The proposal removes the shop element of the previous proposal and creates a fully residential scheme, which results in an amended and simplified elevation and in turn helps to improve the views towards the rear of the listed buildings. The approach taken on the High Street elevation is also followed here i.e., the use of additional doorways which create the appearance of an active frontage, which is positive. Materials again comprise a combination of facing bricks and render, with red clay tiles and natural slate on the roofs. The Water Lane frontage is also set back slightly, which increases the visibility of Eachways when approaching the village centre.

The eastern elevation onto the rear of dwellings on Cumberland Crescent:

The proposal is to have the rear elevation of the apartment block facing onto the rear of dwellings on Cumberland Crescent. This elevation would be fairly formal with construction materials for the most part facing bricks; however, this is broken-up by areas of flint blocks on the first floor. This elevation would include balconies and red clay and grey slate-effect roof tiles, which are acceptable in this location backing onto existing dwellings on Cumberland Crescent.

The southern elevation onto Woodford Villas and Angmering Villas:

The proposal is to have the rear elevation of the apartment block facing onto the retaining wall which runs along the southern boundary of the site and onto the rear of dwellings at Woodford Villas and Angmering Villas. This elevation would be fairly formal with construction materials for the most part facing bricks; however, this is broken-up by render and areas of flint blocks on the first floor. This elevation would include balconies and red clay and grey slate-effect roof tiles, which are acceptable in this location backing onto existing dwellings at Woodford Villas and Angmering Villas.

The Courtyard:

A substantial portion of the development would have an internal frontage facing onto internal parking and communal garden areas. It would use a variety of different facing materials including stock brick, flint blocks and render, with a combination of red clay tiles and natural slate on the roofs of any elevations visible from within the Conservation Area or the setting of Eachways.

Provision of Communal Space

As this proposal is for retirement apartments it does not provide public open space or play space. The communal space would be from a depth of 4 metres to 17 metres at the back of the L shape of the proposed building and 14 metres to the bottom of the L shape of the building. The proposed development includes the formation of a pergola along with seating and a barbecue area as a focal point to the garden adjacent to the residents' lounge. Raised planters on compacted gravel are proposed to the rear of the site providing activities for residents and a grass Games Area adjacent to the communal terrace. These communal spaces and gardens would be planted with trees and shrubs as indicated on the Landscape General Arrangement Plan (Drawing No. SO-2729-03-LA-001 Rev. P06). The proposed provision of residential communal shared space, garden areas and private balcony areas comply with the Arun Design Guide and Policy H DM2(e) of the Local Plan.

Boundary Treatment

The flint walls to the western boundary with Eachways and the concrete/brick retaining walls to the eastern and south-eastern boundaries are proposed to be retained and repaired. The existing metal palisade fence along the southern boundary is to be replaced by 1.8 metre high black metal railings with matching pedestrian gates with a clipped hedgerow behind and where there is a change in site levels a low brick retaining wall topped by black metal railings, as indicated on the Hard Landscape Image Sheet (Drawing No. SO-2729-03-LA-004), which are acceptable as they would enhance the visual appearance of the development.

Conclusion on Matters of Layout and Appearance

The proposal complies with the National Design Guide and the Arun Design Guide (Chapters J & L) for the reasons set out above.

Consequently, the proposed development is consistent with policies D DM1, D SP1 and H DM2(d) of the ALP and policies HD4, Policy HD5 and Policy HD6 of the ANP.

## RESIDENTIAL AMENITY

The layout of the dwellings has been considered in terms of separation distances and fenestration, so as to protect the amenities of neighbouring residential occupiers and does not result in materially adverse overlooking of neighbouring properties. The properties generally benefit from a 20 metre separation distance from primary elevation to primary elevation, with the exception of plots which face properties on Cumberland Crescent to the rear at a distance of 17-18 metres, however there are no facing windows at first floor level in the proposed apartments and there is a difference in land levels with the properties on Cumberland Crescent significantly higher in level with an embankment wall between. This would prevent any significant overlooking or loss of privacy to the existing and proposed dwellings. Separation distances between the proposed development and existing dwellings are therefore sufficient to prevent overlooking or overshadowing of neighbouring properties.

The site was previously used for commercial use, which involved HGV movements and regular movements of vehicles on and off the site, as well as the noise of the use of buildings for car mechanics. Similarly, the proposed residential development would generate traffic movements, parking and manoeuvring, however this would represent a reduction in comparison to the site's previous use. As such, the proposed use would not cause an unacceptable loss of residential amenity to existing and proposed dwellings.

The layout has been designed to take account of the amenities of neighbouring residential occupiers and is not considered to cause harm to the amenities of existing neighbouring occupiers or to those of the future occupiers of the development in accordance with Policy D DM1(3) of Arun Local Plan.

## EXTERNAL SPACE STANDARDS

The Landscape General Arrangement Plan (Drawing No. SO-2729-03-LA-001) shows that communal spaces and gardens have been provided at ground floor, which is sufficient communal garden space to provide for all the apartments; and there are sufficient private amenity spaces comprising balconies measuring 3.0 metres wide and private patios measuring 3.0 metres, in accordance with Part P (Apartments) of the Arun Design Guide.

## INTERNAL SPACE STANDARDS

The floor plans of each apartment where it specifies the number of bedrooms, the occupancy and the square metres of floor space have been cross referenced with the Nationally Described Space Standards (NDSS) table (Table 1) in order to provide adequate internal space. In the NDSS, the space standard for a 1 bed 2 person flats is 50 square metres, which is met in all cases. The space standard for the two bed flats is 70 square metres, which is also met in all cases. Similarly, the scheme meets the M4(2) accessible and adaptable standards.

Consequently, the proposed residential development complies with Policy D DM2 of the Local Plan and meets the NDSS requirements in terms of minimum gross internal floor areas.

## AFFORDABLE HOUSING

Policy AH SP2 of the Arun Local Plan requires that for all developments of 11 residential units or more the Council will require a minimum of 30% of the units proposed to be provided as affordable housing. There is high demand for all types of affordable housing throughout the District. Policy AH SP2 states



that the provision of affordable housing on a site at less than 30% will only normally be allowed in very exceptional circumstances if supported by robust evidence including, where appropriate, viability evidence.

This application comprises the development of 35 new apartments. In order to be policy compliant, the scheme should provide 11 affordable dwellings, 8 of which should be rented and 3 should be intermediate (i.e. shared ownership); and these dwellings would need to be included in a Section 106 Agreement.

No affordable homes are proposed to be provided on this site as part of this development. The Financial Viability Assessment (dated 23rd January 2023 and prepared by Alder King) states that the proposed scheme produces a deficit of £19,282 after allowing for a fixed developer's profit of 20%.

The matter of affordable housing was raised in relation to the previous application (A/110/21/PL) as part of the Inspector's appeal decision. Whilst it was initially claimed that the proposal could not deliver any affordable housing on-site and a commuted payment of approximately £50,418 (the surplus after allowing for a fixed developer's profit of 20%) was proposed in lieu of this, an agreement was reached on an acceptable contribution of £231,247 prior to the Inquiry. However, although the agreed sum was considered a benefit of the scheme, the Inspector attached limited weight to this as it was accepted that the sum would result in only a modest provision of affordable accommodation at around 1 unit.

Although the proposals remain in conflict with Policy AH SP2 of the Arun Local Plan, it would be unreasonable to refuse the application on the grounds of a lack of an affordable housing contribution, in light of the limited weight attached by the Inspector to the contribution previously agreed and the evidence provided within the submitted Financial Viability Assessment.

## TRANSPORT

### Site Access

Drawing No. 034.0152-0004 Rev. P02 shows the site with split access off Water Lane in the form of vehicle crossovers, broadly in line with existing site access arrangements off Water Lane. Both access points lead into internal access roads serving the two parking areas; one to the west to the rear of Eachways measuring 5.4m wide and the other to the northeast of the site close to the entrance to Cumberland Crescent measuring 7.5m wide. Both can accommodate movements without conflict and have acceptable visibility splays for a 20mph zone on Water Lane.

### Trip Generation, Distribution and Assignment

The application is accompanied by a Transport Assessment, as required by policy T SP1(e) of the Local Plan. The initial proposed development of 40 retirement apartments was anticipated to generate 6 two-way vehicle movements in the AM peak and 5 two-way vehicle movements in the PM peak with 81 trips generated across a 12-hour period based on TRICS data and 61 trips based on the applicants own data, which was deemed acceptable. As a reduced number of 35 apartments is now proposed, this conclusion is not likely to change.

### Refuse and Servicing Arrangements

A bin store is located in the apartments adjacent to the north-eastern parking area and access road for ease of access (Drawing No. SO-2729-03-AC-125 Rev. J). Refuse collection will take place on site with a refuse vehicle turning into the car park, turning and reversing towards the gated access to the bin store to the south. A vehicle tracking plan (Drawing No. 034.0152-0003 Rev. P02) has been submitted which demonstrates that refuse vehicles can make this manoeuvre safely.

## Road Safety Audit

Whilst WSCC Highways have not objected to the application, they have stated that no revised RSA has been provided and that the changes to the proposals would require the RSA and RSA Response Report to be updated.

An update RSA has now been submitted together with a Designers Response. The RSA does not raise any fundamental concerns, with the two main comments relating to the intervisibility along Water Lane and the proposed crossing point across High Street.

Intervisibility at the crossing on Water Lane was previously addressed through the provision of a TRO to introduce double yellow line parking restrictions in the vicinity of the visibility splays. This was previously omitted from the revised application but has been reinstated. As per the previous application, the exact nature of the parking restrictions will be determined through detailed design and has been shown indicatively on drawing 034.0152-0007 submitted as part of the RSA. The proposed pedestrian crossing on the High Street is as per the previous arrangement, which was determined to be the most appropriate arrangement following a review by the LHA's road safety team.

Subject to confirmation from the LHA, the proposed development is deemed to comply with policy T SP1(a) of the ALP by improving access to public transport services; and with policy H DM2(b) of the ALP in terms of accessibility by public transport to community and social facilities.

## Footways and Cycle Provision

The existing vehicular access from High Street would be closed-off to vehicles but remain as a pedestrian route. Site pedestrian access is also being provided directly onto High Street, via the old vehicle access being closed off to vehicles but left as pedestrian only access.

There will be a small extension to the pavement across the old BMW site access on High Street with dropped kerbs and tactile paving, then dropped kerbs and tactile paving on the opposite side of the road outside of the Parish Office building. Dropped kerbs and tactile paving is proposed outside 'Eachways' to aid pedestrian access to the pavement along the northern side of Water Lane. Additional tactile paving and dropped kerbs are proposed at the bell mouth access on Water Lane.

The existing footway along Water Lane would be widened to 1.8 metres west of the site and a minimum width of 1.65m in the vicinity of 'Eachways', which would be achieved by reducing the road width along Water Lane from 6.0m to 5.5m. Vehicle tracking has been undertaken at this point which demonstrates that two vehicles can pass. The precedent for narrow sections of useable carriageway has already been established through on street parking which reduces the effective road width from 7.2-6.5m to 5.2-4.5m and has operated successfully for a prolonged period of time without creating a road safety issue. The proposed localised narrowing is acceptable as it would result in a significantly safer and more attractive pedestrian route along Water Lane. The Local Highway Authority is satisfied with the proposed footway widening works and the remaining carriageway widths available after the works. The Local Highway Authority is satisfied with the proposed crossings on Water Lane and High Street; the provision of a pedestrian crossing on Water Lane is a requirement of Policy HA3 of the ANP.

The proposed development complies with Policy H DM2(b) of the Local Plan and Policy HA3 of the ANP, in terms of accessibility by foot and bicycle to community and social facilities.

## Parking Provision

The Transport Assessment states that there are no definite parking standards for retirement style developments such as this one. The proposed development includes 34 car parking spaces to serve the apartments, plus 2 car parking spaces to serve the Listed Building (Eachways). 32 spaces were initially proposed as part of the 40-unit scheme originally submitted, however this has increased by 2 spaces following the removal of the public toilets.

It is noted that a statement has been submitted (Transport Assessment, Appendix D: McCarthy Stone Parking Research) with justification for the proposed level of parking. The Research concluded that an average of 0.55, which includes on-site provision for visitor parking at a rate of 0.1 spaces per apartment. Using the methodology set out in the McCarthy Stone Parking Research would result in the provision of 19 parking spaces, compared to a mainstream apartment development of this size, which would require 2 parking spaces per 1- and 2-bedroom units, equating to 70 parking spaces as required by the ADC Parking Standards SPD.

As the site is situated just outside the core retail area in the ANP and in close proximity to the Railway Station, provision is made for 34 parking spaces, which equates to roughly 1 parking space per apartment. In terms of cycle parking, a combined mobility buggy/cycle store is proposed for the retirement apartments. Whilst this is below the standards set out ADC Parking Standards SPD, the proposed level of parking provision is deemed acceptable given the nature of the proposed development, coupled with the site's location to next to the Village Centre and in close proximity to Angmering Railway Station. This is consistent with the approach taken by the Inspector concerning the previous application at this site (A/110/21/PL).

### Conclusion on Transport

The Local Highway Authority is satisfied with the proposed access specifications, visibility splays, parking provision, footway widening works and the remaining carriageway widths available after the works and the proposed crossings on Water Lane and High Street.

The proposed development therefore complies with policies policy T SP1 and H DM2 and policies HD8 and HA3 of the ANP.

## IMPACT ON THE CONSERVATION AREA AND THE SETTING OF LISTED BUILDINGS

### Angmering Conservation Area

The impact of the proposed development on the Conservation Area needs to be considered in accordance with paragraph 199 of the NPPF and if there is harm it is substantial or less than substantial, and this needs to be weighed against the public benefits of the proposal.

Angmering Conservation Area is the historic core of the village and consists of three different areas of townscape. These are: The Square, the approach from Arundel Road and The High Street. The Square is situated at the centre of the village and contains most of the village's shops and commercial premises, and the village War Memorial. Arundel Road leads from the A27 and buildings of flint and brick, most notably the old school (now the library), frame a narrow entrance to The Square. The High Street is almost entirely residential and whereas Arundel Road is narrow and straight, the High Street is wider but with a significant gentle curve which invites exploration of the fine buildings distributed along the road. The conservation area contains a number of other listed and locally listed buildings which form an attractive group, in the historic core of the village.

In accordance with paragraph 194 of the NPPF, a detailed Heritage Statement has been prepared which assesses the impact the development has on the setting of the Conservation Area and assesses how

this may affect the proposed development.

With regard to paragraph 206 of the NPPF the main consideration is the effect that the proposed development could have on the appreciation of the significance of the identified nationally and locally listed buildings and their settings and the setting of Angmering Conservation Area.

Paragraph 206 of the NPPF states that Local Planning Authorities should look for opportunities for new development within Conservation Areas, and within the setting of heritage assets, to enhance or better reveal their significance.

Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 (hereafter referred to as "the Act") states that 'special regard shall be paid to the desirability of preserving or enhancing the character or appearance of the area'.

The site is visible from both within the Conservation Area as well as from outside and looking into it (along Water Lane). The Heritage Statement concludes that the proposed development will enhance the Conservation Area and its setting. The removal of the existing commercial buildings and the empty house is a positive aspect of the scheme, as they detract from the various assets, being of an inappropriate design and state of repair.

The initial application identified a pallet of materials including Concrete Ridge Tiles, UPVC Facias & Soffits, UPVC Windows & Doors and UPVC Rainwater Goods. Such materials are not appropriate for a conservation area (or its setting), or the setting of listed buildings. Following further discussion with the applicant and the Council's Conservation Officer, it was advised that the elements of the building visible from the conservation area and its setting, and the setting of Eachways should be of an appropriate material, traditional design and suitable colour.

A revised material pallet has been proposed which has made some improvements in order to deal with the Conservation Officer's concerns, which includes natural slate tiling as opposed to the previously proposed grey coloured clay tiles. Whilst this is positive, a number of the proposed materials remain to be modern, mass-produced products that are unsuitable for a sensitive location, including UPVC windows and doors and Soffits & Fascia's. The proposed materials would therefore have a negative impact on the Conservation Area in conflict with paragraph 72 of the Act.

On a positive note, the design of this frontage is now more reflective of other buildings found in the immediate area and the concept of using brick and render for this frontage is acceptable as it will ensure that the much older and historic flint work is respected and ensures that the listed building forms the focal point within the square. The presence of front doors on this elevation is positive and takes into account previous comments, ensuring that the frontage feels as though it forms part of the square.

On balance, the proposal is such that the impact can be described as causing less than substantial harm in accordance with paragraph 202 of the NPPF. As such, the public benefits of the development need to be considered as part of the assessment of the application, along with the contents of the 1990 Act (as amended). It is therefore necessary to consider the public benefits that the development may achieve balanced against the development of the site. These include:

- Providing much needed housing to meet the deficit in Arun's 5-year Housing Land Supply (HLS).
- Benefitting the local economy by bringing in additional customers to the village centre shops and services.
- Benefitting the streets in the vicinity of the site from increased natural surveillance, reducing crime and anti-social behaviour.
- Re-developing a derelict brownfield site in the centre of Angmering Village.

- Creating construction jobs and retail jobs.
- Creating new sources of employment and economic activity at the site.
- Additional spending by new residents on local goods and services.

In conclusion, the public benefits of the proposed development are considered to outweigh the harm caused to the Conservation Area and the proposal therefore complies with policies HER SP1 and HER DM3 of the ALP, policy EH1 of the ANP, the NPPF and Section 72 of the Act.

### Listed Buildings

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The Heritage Statement states that the proposed new building re-establishes former building lines on a domestic scale and character to both High Street and Water Lane, thereby helping 'Eachways' to sit in its proper context as the 'bookend' historic building for Water Lane and High Street. It goes on to state that the design is appropriate in form, scale and character, with a good mix of vernacular materials and form that will enhance the settings of the nearby listed buildings, while also enhancing the Conservation Area and its setting.

In the refused scheme (A/110/21/PL), the Inspector considered that the rear part of the building would be visible in the gap between Eachways and the terrace fronting High Street, which would give the impression of being filled with buildings even though the front elevation of the rear block would be set back into the site. This is also acknowledged by the Design and Access Statement Addendum submitted in support of this application, which states that with the L-shaped nature of the proposed building, it is acknowledged that it may be possible to view development set further back on the site via the gap between Eachways and the proposed High Street frontage, creating what has been perceived as 'visual overcrowding' to the Grade II listed building.

The revised layout results in an increased separation between the High Street frontage and Eachways, which is generally positive as it allows for the front elevation and at least some of the side elevation of the listed building to be better experienced and appreciated, whilst also ensuring that the new High Street fronting element of the building is less dominant. However, a further result of this increased separation distance is that more of the new building would potentially be visible. This still has the potential to visually crowd the listed building and require further consideration or at least some form of mitigation.

The Heritage Statement acknowledges that opening the gap between Eachways and the new High Street frontage of the building mean that more of the new building can be seen behind. It considers that the rear range will also have an attractive main entrance facing towards the newly-widened gap and that the variation/articulation of the redesigned elevation will present a pleasant appearance in that part of the site, which is outside the Conservation Area.

Whilst it was not previously clear if any form of landscape mitigation had been considered, revised plans have now been submitted showing a native hedge and a number of trees to be planted in the area between Eachways and the High Street frontage. This is a key revision as it will help to ensure that the building behind is screened and that part of the setting of the listed building is softened and is therefore critical for the impact of the development to be mitigated.

Another point noted within the Inspector's decision is the importance of the front elevation of Eachways

being amplified by the absence of competing buildings either side or above it. At present, whilst the buildings have been moved further away from its side, it is not clear if any of the development be clearly seen above Eachways in wider views from within the square. If this is the case then it would still result in some degree of visual crowding, for which there is no form of mitigation available to reduce the impact.

The proposal is such that the impact can be described as causing less than substantial harm in accordance with paragraph 202 of the NPPF. As such, the public benefits of the development need to be considered as part of the assessment of the application, along with the contents of the 1990 Act (as amended). It is therefore necessary to consider the public benefits that the development may achieve balanced against the development of the site. These have been set out above.

In conclusion, the public benefits of the proposed development are considered to outweigh the harm caused to the listed building and the proposal therefore complies with policies HER SP1 and HER DM1 of the ALP, the NPPF and Section 66 of the Act.

## **BIODIVERSITY**

A Preliminary Appraisal and Ecological Impact Assessment was submitted with the previous application (A/110/21/PL), which established that there were potential bat roosting features on the carport within the courtyard area and the cottage and recommended further investigation.

An Ecological Impact Assessment (EclA) with Phase 2 Bat Survey Work was subsequently submitted following the completion of further bat surveys, which concluded that the carport and the cottage were not found to be used by bats for roosting and no further survey work was required. Further information relating to Biodiversity Net Gain (BNG) was subsequently requested by ADC Ecology in addition to that recommended in the EclA, prior to the determination of the application.

An updated version of the EclA was submitted with the current application. Whilst no further survey works are recommended prior to commencement, the report does make recommendations in terms of breeding birds, on-site enhancements and BNG.

Having considered the enhancement measures proposed in the updated report, comprising the provision of 5 bat tubes and 5 bee bricks built into the external walls of the building; the creation of a corridor for hedgehogs; the planting of 10 new trees within the site; the planting of new native hedgerows along the south western boundary; the provision of 2 hedgehog nesting boxes and creation of at least 3 log piles, it is recommended that these are conditioned and are implemented in their entirety.

Subject to ecological enhancement and BNG conditions, the proposed development complies with Policy ENV DM5 of the Local Plan and the NPPF.

## **TREES**

A Tree Survey and Impact Assessment has been submitted with the application, which identifies the locations of the trees for removal and those for retention, together with tree protection measures to be implemented during the construction of the apartments and the retail unit and confirms that there are no Tree Preservation Orders protecting trees on the site.

The trees growing along the southeast boundary of the site including Leyland Cypress, Elm and Sycamore are proposed to be retained; but 2 trees (a Sycamore and a Monterey Cypress) are proposed to be removed from the frontage with High Street, which is acceptable due to the condition of the trees. The Proposed Site Plan (Drawing No. SO-2729-03-AC-125 Rev. J) has taken into account the root protection areas (RPAs) of the trees to be retained on the site.

The development can be accommodated without detriment to the trees that are proposed to be retained on the site and the proposal complies with Policy ENV DM4 of the Local Plan.

## FLOODING AND SURFACE WATER DRAINAGE

The north-western part of the site is located within a Flood Zone 2 (Medium Probability) and Flood Zone 3 (High probability) as the Black Ditch is culverted beneath Water Lane adjacent to the site. The application is within an area at risk from both fluvial and pluvial flooding. The proposed residential development is predominantly located in Flood Zone 1.

### Sequential Test and Exception Test

Paragraph 161 of the NPPF states that 'All plans should apply a sequential, risk-based approach to the location of development - taking into account all sources of flood risk and the current and future impacts of climate change - so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by applying the sequential test and then, if necessary, the exception test as set out below.

Paragraph 166 of the NPPF states that where planning applications come forward on sites allocated in the development plan through the sequential test, applicants need not apply the sequential test again. It is noted that the application site is allocated for residential use in the ANP (policy HA3) and complies with the Sequential Test.

Paragraph 166 of the NPPF states that where planning applications come forward on sites allocated in the development plan through the sequential test, the exception test may need to be re-applied if relevant aspects of the proposal had not been considered when the test was applied at the plan making stage, or if more recent information about existing or potential flood risk should be taken into account. The site-specific Flood Risk Assessment confirms that the development passes the exception test and is compliant with Policies W DM2, W DM3 and W SP1 of the Local Plan.

Paragraph 164 of the NPPF states that to pass the exception test it should be demonstrated that:

- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
- b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.'

The site is considered to be socially, environmentally and economically sustainable due to its town centre location and acceptable impact on residential amenities and visual appearance (environmental factor), as expanded above, and the contribution it is capable of making towards construction jobs (social and economic factors). The site location passes the sustainability criteria of the Exception Test. The development of the site would reduce flood risk overall, in compliance with b) above.

### Flood Risk Assessment

The application includes an FRA and a Surface Water Drainage Strategy. The EA objected to the application as the submitted FRA does not comply with the requirements set out in the planning practice guidance and does not adequately assess the flood risks posed by the development. In particular, the FRA fails to outline Floodplain Compensation related to the raising of the ground to allow the proposed FFL to be achieved.

The applicant has subsequently confirmed that the design flood level is prescribed as 6.33m above Ordnance Datum (AOD) based on the worst case 0.01% (1/1000 yr) annual probability event and 6.03m AOD based on the 1% (1/100 yr) annual probability event, and that the FFL of the proposed building is 6.4m AOD, which is 370mm above the 1/100 year flood levels and 70mm above the 1/1000 year flood levels, in line with the EA's recommendations.

Similarly, submitted plan SO-2729-03-DE-0700 illustrates the extents of Flood Zones 1 & 2 in relation to the footprint of existing and proposed buildings and demonstrates that the proposals reduce the extent of the built footprint by 130m<sup>2</sup> in Flood Zone 1 and 50m<sup>2</sup> in Flood Zone 2, and there is subsequently no loss of storage. The EA were consulted on the previous application (A/110/21/PL) and raised no objection on flood risk grounds, only requesting that a condition be imposed ensuring that FFLs are set no lower than 6.4m AOD for all apartments.

Whilst the EA have been re-consulted on the additional information submitted and are expected to respond prior to Committee, it should be noted that flood risk was not a reason for refusal on the previous application and was not raised as an issue as part of the Inspector's appeal decision. It would be unreasonable to recommend refusal of the application on the grounds of flood risk.

### Surface Water Drainage Strategy

The Surface Water Drainage Strategy proposes storage in the form of permeable paving with subbase storage and an attenuation tank, with surface water pumped at a discharge rate equivalent to 50% of the brownfield rate. The External Consultants for ADC Drainage have lodged a holding objection, subject to the submission of further information. The applicant has submitted an updated Drainage Strategy Report and accompanying letter in response to this.

ADC Drainage raised a holding objection on the previous application (A/110/21/PL) pending the submission of additional information, including evidence to demonstrate the maximum storage available on site and the associated discharge rate; a gravity surface water drainage system; and details of pollution mitigation indices delivered through drainage proposals.

Whilst ADC Drainage have been re-consulted on the additional information submitted and are expected to respond prior to Committee, it is considered that the outstanding information can be secured via suitable conditions, as per the previous application. As surface water drainage did not form part of the reasons for refusal of the previous application and was not raised as an issue as part of the Inspector's appeal decision, it would be unreasonable to recommend refusal of the application on these grounds.

### Conclusions on Matters of Flooding and Surface Water Drainage

Subject to appropriate flood risk and surface water drainage conditions, the proposed development is deemed to comply with policies W DM2, W DM3 and W SP1 of the ALP and the NPPF.

### FOUL WATER DRAINAGE

When consulted on the previous application (A/110/21/PL), Southern Water confirmed that they could facilitate foul sewerage disposal to service the proposed development and it is assumed that this is still the case. It is also possible that a sewer could be crossing the site and a condition is required whereby; if any sewer is found during construction, an investigation would be required to assess its ownership.

Subject to a foul water drainage condition, the proposed development complies with policy W DM1 of the ALP.



## CONTAMINATION

The application is accompanied by a Ground Condition Assessment, which concludes that there are low to moderate risks to future site users and buildings related to elevated concentrations of lead within the made ground and from exposure to ground gas and radon; and there is a low to moderate risk to the underlying bedrock principal aquifer from the migration of contaminants associated with the fuel infrastructure. The Assessment makes a number of recommendations including the removal of all fuel tanks and connecting pipework; that services be laid in lined trenches; that a capping layer of 400mm of clean imported subsoil and subsoil is placed in areas of soft landscaping; the installation of suspended floor slabs and gas resistant membrane to mitigate the transmission of ground gas and radon; the removal or mitigation of the hydrocarbon impacted soils; the provision of a piling risk assessment; a watching brief should be implemented; deeper foundations due to the thickness and variable composition of the underlying made ground; and the need for a stand-alone Remedial Method Statement to be submitted.

Further to the recommendations set out in the Ground Condition Assessment, Environmental Health have requested the imposition of contaminated land conditions including the submission of an additional site investigation scheme, an options appraisal, a remediation strategy and a verification report, to ensure that the proposed development complies with Policy QE DM4 of the Local Plan to protect the amenity of local residents.

Subject to the proposed conditions, the proposed development complies with Policy QE DM4 of the ALP.

## AIR QUALITY

The proposed development is not located in an Air Quality Management Area. Environmental Health has requested the imposition of a condition requiring the submission of an Air Quality Assessment as this is a major development and air quality should be considered at the design stage and incorporate appropriate and effective mitigation in accordance with the NPPF and Policy QE DM3 of the ALP.

Environmental Health have also requested a condition for the submission of a Construction Management Plan to protect the amenity of local residents; and this construction management plan condition should include a reference to the Refuse and Waste Management Plan which has been submitted with the application.

Provision should be made for electric vehicle (EV) charging points to be installed within the parking courts serving the retirement apartments, in accordance with paragraph 2.8 of the ADC Parking Standards SPD. It is recommended that this is conditioned.

Subject to the imposition of conditions for the submission of an Air Quality Assessment, a Construction Management Plan and the provision of electric vehicle charging points, the proposed development complies with Policy QE DM3 of the ALP, in terms of air quality.

## NOISE

The NPPF and Policy QE DM1 of the Local Plan emphasise that noise sensitive development will not be permitted if its users would be affected by noise by proposed noise generating uses.

Subject to the imposition of appropriate conditions, the proposed development complies with Policy QE DM1 of the ALP.

## CLIMATE CHANGE

The proposed east/west orientation of the building accommodating the apartments store would ensure maximum solar gain and would comply with Policy ECC SP1 of the Local Plan.

ALP policy ECC SP2 requires that all new residential and commercial development be energy efficient and incorporate decentralised, renewable and low carbon energy supply systems. ECC SP1 requires that new development be designed to adapt to impacts arising from climate change. No details of energy efficient or low carbon measures have been provided as part of the application.

## **SUPPORTING INFRASTRUCTURE**

The development would help to support the local community by providing 35 retirement apartments (independent living). The development would be required to make a CIL contribution. There would be a further benefit to the local community as the development site is in Zone 2 of the Arun CIL Charging Schedule Zone Maps and would be liable to pay CIL at £74.40 per square metre of net additional floorspace, which is the rate for older people's housing, sheltered housing and extracare housing.

## **SUMMARY**

The benefits of the scheme include the provision of 35 much needed retirement apartments (independent living), together with the demolition and removal of an empty and unsightly commercial building and an empty house on the site. The proposed development is located within the BUAB, wherein the principle of residential development is accepted. The site is also allocated for residential development in the ANP.

The Council cannot currently demonstrate a 5 year housing land supply and some planning weight should therefore be afforded to the fact that the proposed development would make a meaningful contribution to the Council's identified housing need.

This report identifies some impact to heritage assets, in that the proposal would result in less than substantial harm in accordance with paragraph 202 of the NPPF, which must be weighed against the public benefits of the development. As set out in this report, the proposal will make a meaningful contribution to the HLS shortfall along with other social, economic, and environmental benefits.

As such, the impacts identified do not significantly and demonstrably outweigh the benefits and there is no conflict with other policies within the NPPF.

## **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.

## CIL DETAILS

This is a CIL Liable development. It is in Zone 2 and a CIL amount of £244,329.60 would be payable unless the application applies for exemption subject to the requirements of the CIL Regulation 2010 (as amended). A 25% proportion of this amount (£61,082.40) would go to the Parish Council.

## RECOMMENDATION

### APPROVE CONDITIONALLY

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby approved shall be carried out in accordance with the following approved plans:

- SO-2729-03-AC-120 Location Plan rev C
- SO-2729-03-AC-125 Proposed Site Plan rev J
- SO-2729-03-AC-220 Ground Floor GA Plan rev F
- SO-2729-03-AC-221 First Floor GA Plan rev F
- SO-2729-03-AC-223 Roof GA Plan rev E
- SO-2729-03-AC-320 Site Sections Sheet 1 rev C
- SO-2729-03-AC-321 Site Section Sheet 2 rev B
- SO-2729-03-AC-420-3 Watercolour Elevations - North and West rev B
- SO-2729-03-AC-421-3 Watercolour Elevations - East and South rev B
- SO-2729-03-AC-422-3 Watercolour Elevations - Courtyard rev B
- SO-2729-03-AC-423-3 Watercolour Elevations - Street Views rev D
- SO-2729-03-AC-424 Materials Elevations rev B
- SO-2729-03-AC-430 Perspective Views Water Lane Approach to Angmering Square rev D
- SO-2729-03-AC-431 Perspective Views Retirement Living Main Entrance rev E
- SP-2729-03-AC-432 Perspective View Retirement Living from Angmering Square rev E
- SO-2729-03-AC-450-1 Street Scenes rev F
- SO-2729-03-AC-450-2 Street Scenes rev D
- SO-2729-03-AC-510 Illustrative Plan of Public Toilets Floor Plan and Elevations rev B
- SO-2729-03-AC-520 Substation Floor Plan and Elevations rev A
- SO-2729-03-DE-0700 Flood Areas Plan for Existing and Proposed Site rev P01
- SO-2729-03-LA-001 Landscape General Arrangement rev P06
- SO-2729-03-LA-002 Site Sections
- SO-2729-03-LA-003 Soft Landscape Image Sheet

- SO-2729-03-LA-004 Hard Landscape Image Sheet
- SO-2729-03-LA-005 Landscape Strategy
- SO-2729-03-LA-006 Planting Plan rev P03
- 1524-KC-XX-YTREE-TPP01 Tree Protection Plan rev A
- 1524-KC-XX-YTREE-TCP01 Tree Constraints Plan rev 0
- 5013719 SI Location Plan
- Utility Sheet 1 of 1 Issue 1

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies D DM1, HER DM1, HER DM3, QE SP1 and T SP1 of the Arun Local Plan.

3 Prior to commencement of the development hereby approved (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority:

1. A 'Preliminary Risk Assessment' which has identified: all previous (historical) uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; and potentially unacceptable risks arising from contamination at the site.

2. A 'Site Investigation Scheme', based on (1) above to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. Based on the 'Site Investigation Scheme' and the detailed risk assessment (2), an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A 'Verification Plan' providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these parts, (1) to (4) require the express written consent of the Local Planning Authority.

The scheme shall be implemented as approved above and, prior to occupation of any dwelling or part of the site (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a Verification Report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of that remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved Verification Plan to demonstrate that the site remediation criteria have been met. The report shall also include a 'long-term monitoring and maintenance plan' for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the Verification Plan, and for the reporting of this in writing to the Local Planning Authority.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with Arun Local Plan policies QE SP1 and QE DM4. This is required to be a pre-commencement condition because these details have to be agreed and in place before any work commences.

- 4 If during development, any visible contaminated or odorous material, (for example, asbestos containing material, stained soil, petrol / diesel / solvent odour, underground tanks or associated pipework) not previously identified, is found to be present at the site, no further development (unless otherwise expressly agreed in writing with the Local Planning Authority) shall be carried out until it has been fully investigated using suitably qualified independent consultant(s). The Local Planning Authority must be informed immediately of the nature and degree of the contamination present and a method statement detailing how the unsuspected contamination shall be dealt with must be prepared and submitted to the Local Planning Authority for approval in writing before being implemented. If no such contaminated material is identified during the development, a statement to this effect must be submitted in writing to the Local Planning Authority.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with Arun Local Plan policies QE SP1 and QE DM4.

- 5 Piling using penetrative methods shall not be carried out other than with the prior written consent of the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To prevent unacceptable risks to potable supplies from, pollution/turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways, in line with paragraph 174 of the National Planning Policy Framework and Position Statement A8 of the 'The Environment Agency's approach to groundwater protection'.

- 6 Prior to occupation of any part of the approved development, a scheme for the provision of facilities to enable the charging of electric vehicles to serve the approved dwellings/use shall be submitted to the local planning authority for approval and thereafter implemented in accordance with the approved details and the charge points shall thereafter be retained and maintained in good working condition. The scheme shall be in accordance with the council's standards as set out in its Parking Standards SPD and the individual charge points shall be in accordance with the technical requirements set out in Part S, section 6.2 of the Building Regulations 2010 (as amended).

Reason: New petrol, diesel and hybrid cars/vans will not be sold beyond 2030, and to mitigate against any potential adverse impact of the development on local air quality, but with control exercised over potential harm to heritage assets in accordance with policies QE DM3 (c) and HER DM1/HER DM3 of the Arun Local Plan, the Arun Parking Standards SPD and the NPPF.

- 7 No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:

- a) An indicative programme for carrying out of the works;
- b) Details of the arrangements for public engagement / consultation both prior to and continued liaison during the construction works;
- c) Measures to minimise the noise (including vibration) generated by the construction process to include hours of work, the careful selection of plant and machinery and use of noise mitigation barrier(s), to be in accordance with BS5228:2009;
- d) Details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination;
- e) The parking of vehicles of site operatives and visitors;

- f) Loading and unloading of plant and materials, including permitted times for deliveries;
- g) Storage of plant and materials used in constructing the development;
- h) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- i) A dust management plan produced in accordance with the Institute of Air Quality Management (IAQM) 'Assessment of dust from demolition and construction (2014);
- j) A scheme for recycling / disposing of waste resulting from demolition and construction works i.e. no burning permitted.
- k) Pest control

Reason: To protect the amenity of local residents in accordance with Policy QE DM1 of the Arun Local Plan.

- 8 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

- 9 No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with an approved plan. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development.

- 10 Finished floor levels shall be set no lower than 6.40 metres above Ordnance Datum (AOD) for all residential units. This mitigation measure shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measure detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: In line with the Planning Practice Guidance of the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change to reduce the risk of flooding to the proposed development and future occupants.

- 11 Prior to the commencement of construction works details of a proposed foul drainage system shall be submitted to and approved in writing by the Local Planning Authority (including details of its siting, design and subsequent management / maintenance) and no dwelling shall be occupied until works for the disposal of sewage have been fully implemented in accordance with the approved details.

Reason: To ensure that the proposed development has a satisfactory means of disposing of foul sewerage in accordance with policies W DM1 and W DM3 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the foul water drainage system prior to commencing any building works.

- 12 Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Design considerations must take full account of the 'Supplementary Requirements for Surface Water Drainage Proposals' produced by Arun District Council, and are an overriding factor in terms of requirements. Winter groundwater monitoring to establish

highest annual ground water levels and winter percolation testing to BRE 365, or similar approved, will be required to support the design of any infiltration drainage. No building / No part of the extended building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

- 13 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment with Phase 2 Bat Survey Work (Abbas Ecology, August 2021, updated January 2023) and the Landscape General Arrangement Plan (Terrafirma, January 2023) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

Reason: To conserve and enhance protected and Priority species and 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).

- 14 No development shall take place (including any demolition, ground works, site clearance) until a Biodiversity Method Statement for protected and Priority species (bats) has been submitted to and approved in writing by the local planning authority.

The content of the method statement shall include the following:

- a) purpose and objectives for the proposed works;
- b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
- c) extent and location of proposed works shown on appropriate scale maps and plans;
- d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- e) persons responsible for implementing the works;
- f) initial aftercare and long-term maintenance (where relevant).

The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To conserve protected and Priority species and 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), s40 of the NERC Act 2006 (Priority habitats & species) and s17 Crime & Disorder Act 1998.

- 15 The retirement accommodation hereby approved shall not be occupied by any persons under the age of 60 years old, or under 55 years old in respect of spouses and partners of such persons who do meet the minimum age criteria of being at least 60.

Reason: The retirement accommodation is purpose built as such and to ensure the provision of housing of a type that meets the needs of older people, in accordance with Policy H DM1 of the Arun Local Plan.

- 16 **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 assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- 17      INFORMATIVE: The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act, 1990 be received.

For further information, please contact the Environmental Health Department on 01903 737555.

- 18      INFORMATIVE: Building Regulations, Approved Document E should be applied in relation to sound insulation between the proposed separate residential dwellings.

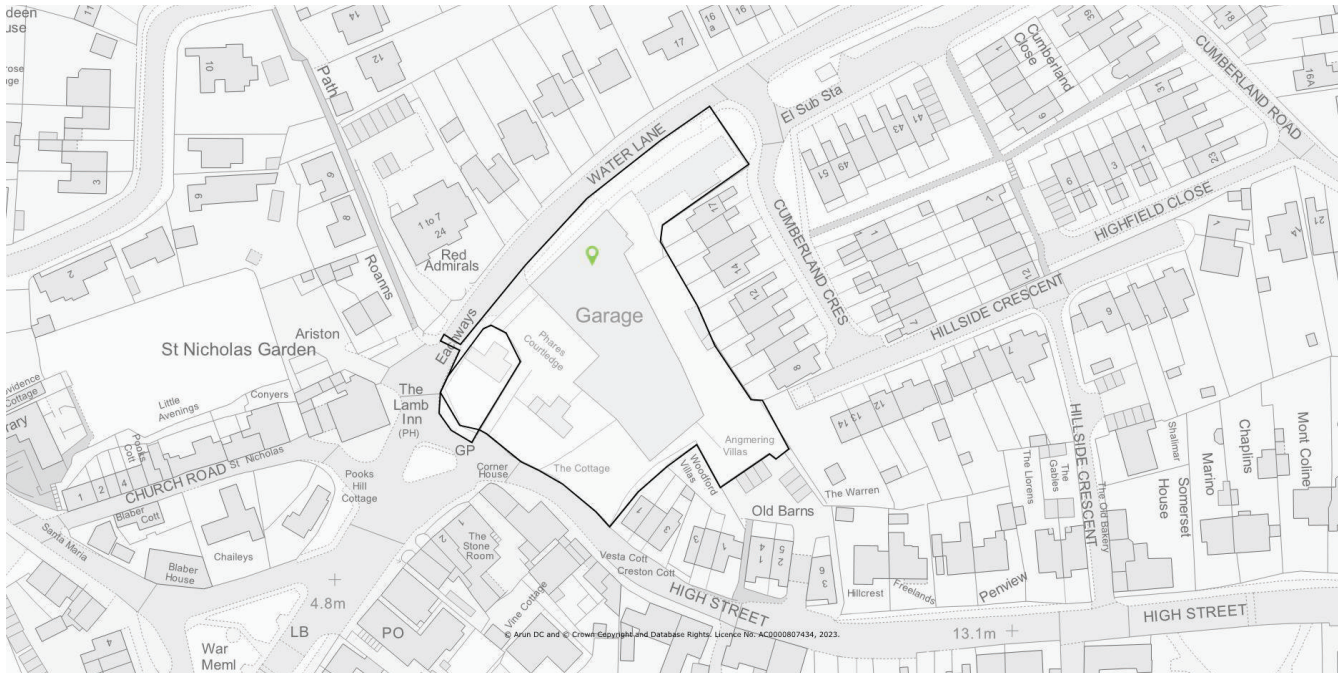
- 19      INFORMATIVE: The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

<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/11/23/PL - Indicative Location Plan (Do not Scale or Copy)**  
**(All plans face north unless otherwise indicated with a north point)**



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