

## REPORT UPDATE

Application No: LU/299/22/PL

### Reason for the Update / Changes

REPORT UPDATE IN RELATION TO PLANNING COMMITTEE 20 MARCH 2024

Delegated authority was given to Officers on 28 June 2023 to grant planning permission subject to completion of the Section 106 Agreement.

Member discussion during that committee meeting highlighted the desire to secure the open space to the east of the application site, known as the meadow, in perpetuity. Officers through the negotiation of the Section 106 have sought to secure this. However, the applicant and landowner are not willing to agree this clause within the S106 owing to concerns that it would constrain them from disposing of the land in the future.

Therefore, in the absence of the Section 106 agreement securing the land as open space in perpetuity, officers are unable to exercise the delegated authority previously granted to them by the Planning Committee. Therefore, delegated authority is now sought to grant planning permission without the Section 106 securing the retention of the meadow in perpetuity. All other matters within the S106 agreement are agreed and finalised.

The proposal remains the same as that previously presented at Planning Committee, in June 2023. The meadow land would still form part of the planning application, and the quantum of open space without the meadow would remain policy compliant in accordance with policy OSR DM1 of the Arun Local Plan and the Open Space Supplementary Planning Document (SPD).

The meadow would still be subject to ongoing maintenance and management arrangements as part of the Landscape Ecological Management Plan (LEMP) to be secured via the S106, which would ensure that the meadow and soft landscaping are maintained.

The absence of a clause securing the retention of the land in perpetuity would therefore not result in the proposals conflicting with the Development Plan, as the meadow would still be provided as part of the application. Any redevelopment of the meadow in the future would require planning permission and as such would be within the control of the Council should the loss of the meadow be deemed unacceptable at that time.

In addition, whilst the retention of the meadow in perpetuity is desirable, it is not required to make the development acceptable in planning terms. Therefore, the council cannot require an obligation to secure the meadow land in perpetuity as it is not essential to mitigate the developments impacts.

In accordance with the original officer's recommendation the scheme remains policy compliant, and as such delegated authority is sought to grant the permission subject to the proposed conditions and completion of a S106 which does not secure the meadow in perpetuity.

REPORT UPDATE IN RELATION TO PLANNING COMMITTEE 28 JUNE 2023

UPDATED CONSULTATION COMMENTS

Littlehampton Town Council - Have provided an updated representation which has withdrawn their objection to the proposed development.

WSSC Lead Local Flood Authority (LLFA) - Have raised an objection to the application (despite having previously raised no objection) as the submitted FRA & Drainage Strategy are not in accordance with the NPPF, Planning Practice Guidance (Aug 2022 version) or with local policies. The LLFA have requested that further information is necessary to be able to lift the objection. The following information was identified as outstanding:

- Groundwater monitoring and infiltration testing is required in the location on infiltration features.
- Water quality benefits required.
- Appropriate water quality assessment is absent / incorrect.
- ½ drain times need to be submitted and show that they are within 24 hours (or within 48 hours for features that are lined e.g. lined tanks or lined basins).
- Appropriate easements (to the adopting authority standards) to SuDS features should be shown on a drawing, this will be a minimum 3m
- Manhole schedule required
- Results for 1 in 30 year plus climate change allowance storm
- Calculations for the swales, permeable paving and other SuDS features which have not been included.
- The use of oversized pipes should be reconsidered.
- Consideration of exceedance from the soakaway
- It looks like houses are located in low spot with low surface water flood risk
- Reconsideration of an appropriate safety factor based on SuDS Manual
- Further design of soakaway required in accordance with Arun Supplementary Requirement for Surface Water Drainage Proposals.

NHS - Maintained objection should no financial contribution be secured. An updated S106 contribution was also provided based on updated housing numbers. This figure has been included in the attached Heads of Terms (HOT).

Southern Water - No objection, and provided standard advice. Advised that the pumping station would be required to be a minimum of 100sqm in area and 15m from the nearest residential property.

WSSC Highways - No objection. The access and visibility splays can be achieved, and will be subject to a S278 agreement with WSSC. The Design Audit has been reviewed and no concerns were raised with the layout. The capacity of the junction has been modelled and the development would not result in a severe residual impact on the highway network. They confirm that without the by-pass infrastructure, as specified in the Neighbourhood Plan policy, there is sufficient capacity and the reasons for this policy are met.

WSSC Education - Maintaining their objection on the basis of a lack of secondary schools, and identified a need to provide school transport contributions. This is included within the Heads of Terms (HOT).

WSSC Strategic Planning - Provided details of the contributions for Primary, Secondary, 6th Form, Libraries, Fire & Rescue. These are included within the HOT.

Greenspace Officer - No objection to the revised play provision.

Environmental Health - Subject to conditions to require further noise assessments and any mitigation required, EH have raised no objections. The previous conditions raised are still relevant.

## UPDATE ON PUBLIC REPRESENTATIONS

For clarity, the publicity period is open until 29th June, and this is reflected within the recommendation. There are now a total of 83 public representations, with 78 objections registered.

The new public representations can be summarised as follows:

- No details of the pumping station have been provided, and the impacts of noise, odour and access on neighbouring residents
- Will the landowner confirm that the green space to be left between the development site and Oakcroft Gardens will be officially confirmed as publicly accessible green open space?
- Concern over who would be responsible for the management and maintenance of the remaining open space
- How will the open space be protected from future development?
- Will the HEELA allocation on the precise footprint of the green open space as a developable site be withdrawn.
- The trees opposite Oakcroft Gardens backing onto Daisyfields will not be part of the greenspace and will have their roots covered by a road surface
- The application should be removed from the planning committee agenda because there is an objection from the Lead Local Flood Authority (LLFA)
- The fencing is inappropriate adjacent to Cornfield School

## UPDATES TO THE OFFICER'S REPORT

### Greenspace

With regards to the greenspace and meadow, any future changes to develop this area will require a planning permission, which will be assessed against policy and the requirements of public open space serving existing development. The Section 106 Agreement will secure the public access arrangements, including management and maintenance schedule. With reference to the sites inclusion within the HELAA, this does not allocate a site for housing, and only identifies high level parameters for potential housing sites.

### Drainage and Flooding

In November 2022, comments from the Lead Local Flood Authority (LLFA) raised no objections to the development on flooding or surface water drainage grounds. As of 19th June 2023, the LPA received an objection from the LLFA, and requested further information, including groundwater monitoring and infiltration testing.

Arun District Drainage Engineers have advised that whilst further winter infiltration testing is required in line with the standards of the Local Planning Authority (LPA), and as requested by the LLFA, the initial bore hole testing does indicate that infiltration is viable. Therefore, a policy compliant drainage scheme is likely to be achievable and therefore are comfortable securing this via condition.

It is not unusual for this information to be provided at condition stage, and is an approach which the LPA have taken in other applications. Therefore, whilst an objection from the LLFA for more information to ascertain whether the layout is impacted by a policy compliant drainage scheme has been received, ADC engineers have confirmed we can secure details at condition stage. The conditions will be secured prior to commencement of the development, and if it is found that the drainage layout cannot be accommodated for any reason, the applicants will be required to submit amendments to the layout.

Therefore, the imposition of conditions will ensure that the scheme adheres to policies W SP1, W DM2, W DM3 of the ALP, and the NPPF.

### Pumping Station

The proposed pumping station has been indicatively shown on the plans to the east of the site and located within the meadow area. The provision of a pumping station will support any future designs for foul sewerage, and the full details are secured by condition. Southern Water have not objected to the use of a pumping station, however, they have highlighted the standard requirements for pumping stations to be at least 15m away from habitable rooms. This is achieved within the current layout, however the exact appearance of the pumping station will be conditioned and a condition to restrict noise and vibrations will also be imposed to ensure no unacceptable adverse impacts upon the amenity of nearby residents.

Access to the pumping station will be required for maintenance, and this will be provided separately to the pedestrian link through the meadow. The provision of access for maintenance has not been objected to by WSCC Highways and would not adversely impact the safety or capacity of the existing network.

Therefore, this would accord with policies QE SP1, QE DM1, T SP1, and D DM1 of the Arun Local Plan.

### Play Space

The play space provision has been amended to provide a LEAP instead of the previously proposed enhanced LEAP on the central village green. With this change, the play provision meets the minimum buffer distances required within the Open Space Supplementary Planning Document (SPD) which aims to reduce conflict with play users and residents. The play equipment retains inclusive play items, and provides a good mix of play experiences. The Locally Equipped Area of Play (LEAP) is also supplemented with a Local Area of Play (LAP) on the central village green, which is considered suitably located and acceptable. The requirement of a Neighbourhood Equipped Area of Play (NEAP) is therefore being sought as an off-site financial contribution and on this basis the play provision is in accordance with policy HWB SP1 of the Arun Local Plan and Open Space SPD.

### UPDATE TO CONDITIONS

There are a number of amendments to the conditions, which are summarised as follows:

- Amendment to plan revision numbers to co-ordinate the widening of the meadow path to 3m path through the meadow and to reflect play space provision changes.
- Addition of Environmental Health conditions relating to noise assessments (and subsequent mitigation), contamination.
- Further clarity within the CEMP condition to add a Dust Mitigation Strategy as part of the Air Quality requirements

### HEADS OF TERMS

The application update is accompanied by a Heads of Terms setting out the infrastructure contributions required by the site. Financial contributions are secured for a range of infrastructure such as NHS, schools, fitness contributions, NEAP play and allotments.

A query has been raised by the developer as to the financial contributions towards Primary Education, Sixth Form Education, Libraries, Fire and Rescue as well as the NEAP contribution. This issue relates to conflicting figures between consultee response and online contribution calculators. In total financial

contributions of £1,990,146 are to be secured, with the online calculators suggesting figured which are £56,728 less.

Officers have sought to resolve this ahead of the committee meeting, but this has not been possible. Therefore, the recommendation has been updated to secure delegated authority to allow for the financial contributions to be confirmed with West Sussex County Council and Arun District Council.

UPDATED RECOMMENDATION: "To grant delegated authority to the Group Head of Planning, in consultation with the Chair or Vice-Chair of Planning Committee, to approve the planning application with conditions subject to:

- 1) End of the consultation period (29th June 2023), with any new matters being discussed
- 2) Confirmation of contribution towards Primary Education, Sixth Form Education, Libraries, Fire and Rescue and NEAP provision.
- 3) Completion of a signed section 106 agreement"

**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: LU/299/22/PL

LOCATION: Land North of Littlehampton Academy  
Littlehampton

PROPOSAL: Development of the site to provide 101 dwellings and associated car parking, cycle parking and landscaping. This application is in CIL Zone 4 and is zero rated.

<b>SITE AND SURROUNDINGS</b>
------------------------------

DESCRIPTION OF APPLICATION	The application seeks full planning permission for 101 dwellings, with associated parking and landscaping. The proposal includes a central village green and a large portion of the eastern part of the site is retained and improved as an open meadow.
SITE AREA	The application site has an area of 6.6ha, with 4.26ha forming the developable area.
RESIDENTIAL DENSITY	The proposed density is 23.7dwellings per hectare (dph) based upon the developed area of the site (4.26ha)
TOPOGRAPHY	Mostly flat, with level changes limited to approximately 1.3m across the site.
TREES	14 Grade 'U' trees are required to be felled regardless of any development, due to health and safety. The development proposes to fell three category 'C' individual trees (T003, T013 and T020), two category 'C' areas of trees (A001 and A002), one category 'C' group of trees (G002), two trees from a group of category 'B' trees (G004) and fourteen trees from one group of category 'C' trees (G006).



There are Two Tree Preservation Orders (TPO) which cover trees on the site, which are as follows:

TPO/LU/1/22 protects T1 - Hybrid Black Poplar, T2 - London Plane, T3 - Lombardy Poplar, T4 - London Plane to the East of the site adjacent to Oakcroft Gardens.

TPO/LU/2/18 protects 7No. Sycamore, 1No. Norway Maple, 1No. Grey Poplar, 1No. Lombardy Poplar & 1No. Beech adjacent to the Daisyfields development to the north of the site.

The trees protected under a tree preservation order are all proposed to be retained.

#### BOUNDARY TREATMENT

The site is largely open with views into the site possible from Fitzalan Road to the west. The southern boundary is shared with Littlehampton Academy and features palisade fencing with no mature boundary vegetation. There is some existing whippet planting to the west of the boundary outside of the site. There are mature trees to the north of the site. The two Tree Preservation Orders (TPO) protect trees to the north and east of the site.

#### CHARACTER OF LOCALITY

The site sits within the built-up area of Littlehampton, to the south of the A259.

The existing site is a 'U' shaped open green field, and although it is not a formal open space with any public right of way, the site is regularly used by local residents, largely accessing the site from Oakcroft Gardens and the Fitzalan link road.

Residential development exists to the east, west and north of the site. The houses within Oakcroft Gardens to the east are mainly bungalows, whereas the Daisyfield development to the north is a mixture of two storey dwellings and four storey apartment buildings, one of which is located close to the boundary of the application site.

Littlehampton Academy is located to the south of the site separated by the school playing fields. Cornfield School is located immediately to the north of the site. To the immediate west is the Fitzalan link road.

There are no designated or non-designated heritage assets on the application site. There are buildings of character to the east, north and west, however there will be no inter-visibility between these and the proposed development.

<b>RELEVANT SITE HISTORY</b>
------------------------------

PAA/12/22/	Request for Pre-Application Advice for developing 110 new homes aligning our proposal to local demand, mix as well as the Arun District Design Guide 2021.	Refuse Pre App 17-06-22
------------	--	----------------------------

The applicants have undertaken extensive pre-application engagement with the Council and draft proposals were presented to the Littlehampton Advisory Group in February 2022.

## REPRESENTATIONS

The application was re-publicised due to the amended description and plans. The publicity period runs until the 29th June 2023, and therefore the recommendation to members reflects this.

Littlehampton Town Council - Objection due to:

- Mix of market and affordable not spread throughout the site
- No solar panels
- No left only junction for the access
- Noise levels not taken with future use levels in mind
- Removal of 22 trees
- Design felt to be unimaginative.
- Room sizes only above minimum, potentially due to the increase in number of dwellings.

The Town Council have been re-consulted on the amended proposals.

To date, a total of 66 objections have been received with the following comments:

- Lack of suitable infrastructure - doctors, schools, dentists, public transport, jobs
- Too many houses on the site
- Loss of green space and dog walking site
- Removal of 22 mature trees; site access positioned so that it removes trees and other places along boundary
- better suited; removal of trees will decrease privacy for school
- Ecological appraisal based on one visit only and removal of scrub prior to ecological surveys taking place
- The site supports bats, and other protected species
- Biodiversity impacts (loss of overall wildlife) and net gain only 2.44 and seems overstated
- Opportunity missed to install solar panels
- Proposed greenspace is an odd shape and layout and comments on who will maintain the greenspace
- Missing information on sewage, drainage and rainwater storage and no capacity in foul sewers
- Affordable housing unaffordable for average income earners
- Highways implications - congestion, noise, air quality
- The response from Environmental Health is incorrect as they state the road is 30mph and not 40mph along Fitzalan
- Restriction for Littlehampton Academy expanding after built houses
- The environmental health response is wrong - it is a 40mph road and not 30mph
- There is a water shortage / concern over water pressure with additional houses
- Trees within residential gardens proposed to be removed for no reason
- POS is odd shape, and reduced size promised in Neighbourhood Plan
- Construction traffic should access Fitzalan link and not from Oakcroft Gardens
- The current land would break the Highways Act 1980 as the land is dedicated as a public highway

- Need adequate parking to ensure emergency vehicles are not obstructed
- Privacy issues with Daisyfields
- Need cycle provision from Oakcroft meadow and details of accessible kissing gate
- Planting/ screening needed on site between proposed dwellings and Littlehampton Academy
- Issues with overlooking to schools, and construction disturbance
- Soft landscaping not good enough
- Issues with boundary fencing to Cornfield school (overbearing, lighting)

The above comments have been noted and considered in full. Where relevant, they are discussed in the report below.

## CONSULTATIONS

### CONSULTATION RESPONSES RECEIVED:

Environmental Health - Re-consultation request made on additional information provided.

WSCC Highways - The principle of the site access has been accepted, and Highways are satisfied that visibility splays can be achieved. Highways have been reconsulted on the Design Audit for the creation of the new priority junction onto Fitzalan Road, and the junction capacity details that they requested.

ADC Greenspace - An objection has been raised due to the need for the site to include onsite playspace provision (NEAP, LAP and LEAP). The pathway needs to be DDA compliant and all weather useable. The Greenspace officer has been re-consulted on the amended plans.

ADC Drainage - No objection subject to securing adequate planning conditions for detailed drainage designs. The layout provided will be adequate to allow a policy compliant surface water drainage scheme. Drainage have been re-consulted to ensure that these comments are still applicable.

SUSTRANS - No objection, recommend looking at footpath width and accessible kissing gate.

Economic Regeneration - No objection subject to securing the inclusion of an Employment and Skills Plan via a planning condition.

Sussex Police - No objection raised, and standing advice provided on designing out crime.

Natural England - No objection.

Archaeology - No objection, subject to securing the programme of archaeological investigation works via the imposition of a suitably worded planning condition.

WSCC Lead Local Flood Authority - No objection

Ecology - No objection subject to securing biodiversity mitigation and enhancement

Housing Strategy and Enabling - Advice provided on what would be acceptable. Provision of 30% affordable units would be acceptable and should be secured through a Section 106 agreement.

Water & Access & Fire & Rescue - No objection, however requested a planning condition to be imposed to ensure that fire hydrants are within 150m of dwellings.



NHS - Required S106 financial contribution to overcome objection.

Southern Water - No objection. Requested inclusion of a condition to ensure that foul water and surface water disposal have been agreed prior to commencement.

WSCC Education - Objection raised due to lack of capacity for secondary schools. However, if the development was to be approved financial contributions would be required within the S106.

## COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

## DEVELOPMENT PLAN POLICIES

### Arun Local Plan 2011 - 2031:

AHSP2	AH SP2 Affordable Housing
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCDM1	ECC DM1 Renewable Energy
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
ENVSP1	ENV SP1 Natural Environment
GISP1	GI SP1 Green Infrastructure and Development
HDM1	H DM1 Housing mix
INFSP1	INF SP1 Infrastructure provision and implementation
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
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
SKILLSSP1	SKILLS SP1 Employment and Skills
1	
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
WSP1	W SP1 Water

### Littlehampton Neighbourhood Plan 2014 Policy 1

The Presumption in Favour of Sustainable Development

Littlehampton Neighbourhood Plan 2014 Policy 4	Housing Site Allocations
Littlehampton Neighbourhood Plan 2014 Policy 3	Housing Supply
Littlehampton Neighbourhood Plan 2014 Policy 16	Open Spaces
Littlehampton Neighbourhood Plan 2014 Policy 17	Buildings and Structures of Character
Littlehampton Neighbourhood Plan 2014 Policy 19	Lyminster Bypass & the A27 at Arundel
Littlehampton Neighbourhood Plan 2014 Policy 22	Design of New Development
Littlehampton Neighbourhood Plan 2014 Policy 23	Infrastructure Investment Priorities

**PLANNING POLICY GUIDANCE:**

NPPF	National Planning Policy Framework
NPPDG	National Design Guide
NPPG	National Planning Practice Guidance

**SUPPLEMENTARY POLICY GUIDANCE:**

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

**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 Littlehampton Neighbourhood Development Plan.

The site is allocated within the Littlehampton Neighbourhood Plan, Policy 4.

**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 the Town and Country Planning Act 1990 (as amended) provides that

- (2) in dealing with an application for planning permission the authority shall have regard to -
- (a) the provisions of the development plan, so far as material to the application,
- (aza) a post examination draft neighbourhood development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

The proposal is considered to conflict with the Littlehampton Neighbourhood Plan, however there are material considerations which warrant the departure, which is explained in full below.

**OTHER MATERIAL CONSIDERATIONS**

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

## CONCLUSIONS

### SUBSTITUTE PLANS

The applicant undertook extensive pre-application engagement with the Council, however on submission of the application the Council found further issues which were not highlighted to the applicant at the time of the pre-application discussions. The applicant has worked proactively and positively with the Council to address officers' concerns.

The applicant submitted additional plans during the determination of the application, which were re-consulted on and re-advertised. The main changes to the scheme were:

- Reduction of units to 101 dwellings from 117;
- Inclusion of a play provision;
- Rear facing development to western boundary now changed to side facing;
- Rear facing development to eastern meadow now changed to all be front facing;
- Amended distribution of car parking within 'Mews' areas;
- Changes to orientation of dwellings adjacent to Cornfield School to reduce overlooking;
- Inclusion of boundary fencing to south to provide garden privacy, and;
- Re-distribution and changes to the mix of affordable housing.

### PRINCIPLE OF DEVELOPMENT

Part of the site falls within the Neighbourhood Plan housing allocation. Policy 4 of the Littlehampton Neighbourhood Plan states the residential allocation should provide for "approximately 100 dwellings comprising primarily 2, 3 and 4 bedroom houses, to be delivered in the period 2020 - 2029, subject to the provision of a new open space on land adjacent to Oakcroft Gardens."

The remainder of the site is within the Built Up Area Boundary (BUAB) as defined by Policy SD SP2 of the Arun Local Plan (ALP), within which the principle of development is accepted. The principle of development is therefore acceptable subject to the developments accordance with other relevant development plan policies.

### HIGHWAYS

Policy T SP1 of the ALP seeks to ensure that development provides safe access onto the highway, contributes to local highway improvements and promotes sustainable travel. Policy 19 of the Littlehampton Neighbourhood Plan requires that development of the allocated site should not occur before the completion of the A284 Lyminster Bypass scheme (northern and southern sections). The supporting text to Policy 19 of the LNP states that this work is required to significantly improve the capacity of the road network to serve the growth of the town already envisaged over the plan period.

The proposed development is intended to be accessed by a priority junction circa 200m south of the Fitzalan Road / A259. The Town Council in their representation raised concerns with the design of the access due to highway safety and as such requested the adoption of a left turn only. However, WSCC acting as Local Highways Authority have raised no objection to the access arrangements for the site and the local planning authority have no basis on which to disagree with these conclusions. Therefore, the proposed access would accord with policy T SP1 of the ALP and would not result in an unacceptable impact on highway safety.

The Transport Assessment (September 2022) and Road Safety Audit, have been reviewed by WSCC. A

further Transport Technical Note (December 2022) was submitted following the original response from WSCC and this document is currently the subject of re-consultation with WSCC.

At the time of writing, the Lyminster bypass remains incomplete with the northern connection between Hampton Park and Lyminster Road unbuilt. It is expected that the final part of the Lyminster bypass will not be complete until autumn 2024. Therefore, there would be conflict with Policy 19 of the Neighbourhood Plan if the site was to be brought forward before completion of the bypass. However, the Transport Assessment submitted in support of the application has confirmed that the proposed development would not result in any existing junctions operating over capacity. It should also be noted that given the remainder of the bypass is anticipated to be completed in Autumn 2024 that the development is unlikely to be substantially occupied prior to the completion of the bypass.

WSCC highways are yet to provide an updated consultation response following the submission of the technical note. Subject to no further objections or issues being identified by WSCC it is anticipated that despite the proposals non-compliance with Policy 19 of the Littlehampton Neighbourhood Development Plan (LNDP) that the proposals would not result in an unacceptable impact on highway safety, or severe residual cumulative impacts on the road network in accordance with paragraph 111 of the NPPF. The updated consultation response from WSCC will be included as part of the report update.

## DESIGN AND LAYOUT

Substitute plans were received during the application process to address officer concerns, which resulted in all proposed dwellings addressing the meadow area, and the proposed dwellings adjacent to the Fitzalan link road orientated side facing (originally rear facing). These changes resolved concerns regarding natural surveillance to the meadow. Whilst a front facing scheme would have provided more opportunities for an active frontage and better public realm, there are multiple points of access and more overlooking within the amended layout. Therefore whilst not all concerns were fully addressed, the layout provides for natural surveillance and does positively address Fitzalan Road.

The proposed built form is located primarily to the west of the site, with the eastern part of the site to be retained as open space. Policy 4 of the Neighbourhood Plan requires development to provide new open space adjacent to Oakcroft Meadows, and therefore this design approach is supported.

The layout includes a primary east-west access road with dwellings to the south of the road. To the rear of these dwellings, adjacent to the southern boundary of the site, are mews' which contain 4 or 5 dwellings with parking forward of the primary elevations. A central village green is proposed within the main part of the site, with further mews development along the northernmost boundary of the site. There are pedestrian links from the existing residential development to the east, Oakcroft Gardens, through the site and onto the Fitzalan Link Road. The layout provides natural surveillance, opportunities for solar gain, a strong movement network for pedestrians, and good legibility.

The dwellings proposed are of a simple contemporary form, and predominantly two storey semi-detached properties, measuring approximately 9.4m in height. Eight detached properties of 1.5 storeys are proposed adjacent to the northern boundary and measure approximately 7.9m in height. There would be a mixture of gable fronted and eaves fronted dwellings within the scheme. There is limited variation in house types across the site as a whole, and gable fronted 3-bedroom dwellings dominate the east-west access road, which has the potential to be overly repetitive. However, there are different elevational treatments proposed, and given the scale of development and the relationship of it with the main east-west route through the site it is considered to be a positive response which results in a strong sense of place and identity for the development.

Parking is generally on plot, typically to the sides of the dwellings, reducing the presence of cars within

the street scene. Where allocated off plot parking is proposed, there are a maximum of four car spaces in a row, and they are proposed to have additional landscaping to soften their impact. Parking within the mews areas of the development are well spaced and screened from the main public routes through the site. Therefore, the parking arrangements are considered acceptable and would not detrimentally impact upon the character of the development.

Rainwater downpipes, gutters, electricity, EV and data points have been provided on elevational plans, and have been located discreetly to minimise their presence.

Overall, the layout provides a legible scheme which responds to the characteristics of the site and the wider locality. The proposed layout provides a permeable layout with strong linkages through the development. Therefore the proposed development is in accordance with policies LAN DM1, D SP1, D DM1 of the Arun Local Plan (ALP), the Arun Design Guide (ADG) SPD, and the National Design Guide and NPPF, and is considered acceptable.

### MATERIALS

The proposed material palette is simple and includes: two brick types, zinc-like roofs to porches. Roofs predominantly feature grey roof tiles, but some plots will feature standing seam roofing to provide some variation. The Arun Design Guide (L.01) supports the use of a simplistic palette, and this will enhance the contemporary character as well as to help create a sense of place.

The proposed brick types will be used throughout the scheme, and the use of typical stretcher bond, and an alternating projecting brick course on selected front and side elevations will provide interest throughout the scheme.

The materials are considered a positive response to the existing residential development within the locality and Littlehampton as a whole. The exact distribution and specification of materials will be controlled by a planning condition to allow details to be provided and approved by the Local Planning Authority.

### AMENITY

ALP policies D DM1 and QE SP1 seek to ensure development contributes positively to the quality of the environment and protect residential amenity for both occupiers and neighbours.

The scheme has been amended along the northern boundary, with the dwellings having been rotated 90 degrees in order to remove windows overlooking the school playing field. This has reduced the number of dwellings adjacent to this boundary and secured the provision of a maintenance strip between the application site and Cornfields School. This approach has had a positive impact upon the relationship between the development and the school.

The interface distances between the dwellings (front to front, rear/front to side, and back to back) are in accordance with the Design Guide, and are all acceptable. Distances between existing and new dwellings adjacent to the site boundary also accord with the Design Guide. The layout of the dwellings therefore provide sufficient privacy and amenity for occupants as well as protecting the existing amenity of existing residents.

All gardens meet the 10.5m depth requirement as per the ADC Design Guide, which is extended to a minimum of 12m at the site boundaries.

Given the above, the amenity of future occupiers of the site as well as existing residents and adjoining



uses would be acceptable and would accord with ALP Policies D DM1 and QE SP1, and the ADG SPD.

## NOISE

The application was accompanied by a noise impact assessment (Stage 2 Environmental & Intrusive Noise Assessment Report May 2023) to demonstrate that noise levels of the proposed dwellings are acceptable both internally and externally. The specification of Air Source Heat Pumps will be conditioned to ensure that the cumulative impacts do not result in any unacceptably adverse impacts on the amenity of future occupiers of the site. Environmental Health are yet to provide a response on the amended information submitted, and any comments received will be provided as a report update to the committee.

## OPEN SPACE AND PLAY PROVISION

The Public Open Space (POS) required for the site is 7,710sqm. The proposals include 207,508m<sup>2</sup> of open space, made up of a mixture of natural and semi-natural, and amenity green space. Approximately 201,000m<sup>2</sup> of this figure includes the meadow area. The quantum of POS proposed accords with Policy OSR DM1 of the ALP, and would exceed the requirements established through the Open Space SPD (January 2020).

The proposed development, by virtue of its size, would be required to provide approximately 555m<sup>2</sup> (0.0555ha) of Local Area of Play (LAP)/Local Equipped Area of Play (LEAP provision, and a Neighbourhood Area of Play (NEAP) (0.666ha). The original application did not show any on site play provision, however, the proposals have been amended during the application process to include play provision within the village green. The proposals include one enhanced LEAP (ELEAP) of 667m<sup>2</sup> with 9 pieces of play equipment, including an inclusive roundabout and swing set. There is no provision for a NEAP and given the sites constraints and presence of play provision in the area, an ELEAP is considered acceptable to mitigate the lack of NEAP provision.

However, there are amenity concerns with the ELEAP given the location within the central green and the distance to dwelling facades. There are no set distance buffers within the SPD for ELEAPs, only for LEAPs (20m) and NEAPs (30m), however given the increased capacity of an ELEAP we would typically expect a 25m buffer. This is not currently achievable given the layout of the development. Therefore, it has been requested that the applicant amend the location of the ELEAP to the meadow, which would address amenity concerns.

The Greenspace Officer has been re-consulted on the amendments to the scheme, and comments will be reported as part of the updated ahead of committee.

## HARD AND SOFT LANDSCAPING

The proposed hard surfacing materials proposed include permeable block paving, and tarmac for roads, in buff, and grey colours. The proposed materials demarcate parking spaces within the mews courtyards and would be conditioned to allow the submission of specifications of materials, ensuring materials are of high quality in line with D DM1. The proposed materials are considered an appropriate response to the wider character of the site and would not appear out of character or in conflict with the wider locality of the site and are therefore considered acceptable.

There is a good variety of tree, shrubs and hedgerows, made up of native and non-native species. The planting stock proposed is mature and will soften the impact of built form and provide good amenity. Planting has been located along primary and secondary roads, contributing to legibility, green infrastructure connectivity and shade. Planting is provided within areas of parking which will reduce the presence of cars within street scene.

The western frontage of the site adjacent to the Fitzalan link road is under a current S278 Agreement, which has secured a substantial planting barrier between the road and the application site. Once matured, this will provide substantial screening and soften the developments edge. Therefore, further planting along this boundary is not considered necessary to mitigate the impact of the proposed development.

Overall, the soft landscaping will contribute to a good quality public realm and soften the developments frontage and would accord with Policy D DM1, E.02 of the Arun Design Guide.

#### PROTECTED SPECIES AND BIODIVERSITY NET GAIN

A preliminary ecological appraisal has been undertaken, followed by bat and reptile surveys. Mitigation measures for both bats and reptiles have been proposed, and the Councils Ecologist is satisfied with the recommendations. Suitably worded conditions have been included as part of the recommendation in order to secure further detail of the mitigation strategies.

Furthermore, additional biodiversity enhancements such as hedgehog boxes, hedgehog friendly fencing, bird boxes/tiles, bat boxes/tiles and boxes, and hibernacula across the site have been suggested within the application documents and will be secured via condition.

There is a Biodiversity Net Gain of 2.3% for habitat units and 18.15% for hedgerow units, which accords with policy ENV DM5 within the Arun Local Plan.

#### TREES

The relevant policy considerations in relation to trees are policy ENV DM4 of the ALP and policy EH6 of the ANDP. Both policies seek to prevent the loss of trees which contribute to amenity.

There are two Tree Preservation Orders affecting the site. TPO/LU/1/22 protects T1 - Hybrid Black Poplar, T2 - London Plane, T3 - Lombardy Poplar, T4 - London Plane to the East of the site adjacent to Oakcroft Gardens. No tree within this order is proposed to be removed, however it is proposed to re-inspect the trees after removal of brambles and dead branches.

TPO/LU/2/18 protects 7No. Sycamore, 1No. Norway Maple, 1No. Grey Poplar, 1No. Lombardy Poplar & 1No. Beech adjacent to the Daisyfields development to the north of the site. Root pruning of the Norway Maple will be required to facilitate the proposed turning heads, but no trees are proposed to be removed that are protected under either TPO.

An Arboricultural Impact Assessment has been submitted, which confirms 14 Grade U trees are required to be felled regardless of any development, due to health and safety. The assessment also states that it is "necessary to fell three category 'C' individual trees (T003, T013 and T020), two category 'C' areas of trees (A001 and A002), one category 'C' group of trees (G002), two trees from a group of category 'B' trees (G004) and fourteen trees from one group of category 'C' trees (G006) to achieve the proposed layout".

295 trees are proposed within the layout, which is considered to acceptably offset the proposed loss of trees on the site and as such the proposals would accord with policies D DM1, ENV DM5 and ENV DM4 of the ALP.

#### HOUSING MIX AND AFFORDABLE DWELLINGS

Littlehampton Town Council Neighbourhood Plan Policy 4 seeks to secure this development allocation primarily for the delivery of 2, 3, and 4 bedroom dwellings.

Policy H DM1 (Housing Mix) of the ALP requires developments to seek a mix of dwelling types and sizes in general accordance with the Strategic Housing Market Assessment (SHMA). The SHMA provides the latest evidence base for housing mix need, and includes 1 bed dwellings.

The Planning and Compulsory Purchase Act 2004 (s38) indicates that where there is conflict between policies, the conflict must be resolved in favour of the policy contained in the most recent plan, which is the Arun Local Plan and the associated SHMA.

The proposal seeks to provide the following housing mix:

2 Bedroom: 24 units (24%)

3 Bedroom: 69 units (68%)

4 Bedroom: 8 units (8%)

Comments were provided from the Affordable Housing Officer highlighting the lack of 1-bedroom dwellings. However, Policy H DM1 recognises that housing mix should be negotiated on a case-by-case basis. The inclusion of an apartment block of 1-bedroom dwellings was proposed during pre-application discussions, but this was felt to be overly dominant adjacent to Fitzalan Road and as such was removed from the proposals.

The site is surrounded by sensitive existing uses, such that taller overbearing buildings would be a less appropriate response to the established character of the locality. An attempt has been made to maintain a two storey development, which is considered an appropriate response to the existing character of the locality. Therefore, the proposed mix of dwellings is considered appropriate and based on the above, the proposal would deliver a satisfactory mix of housing.

The application would secure 30 affordable housing units within the S106 agreement. The mix of affordable proposed is: 20 affordable rented (14 x 2 beds, 6 x 3 beds); 8 First Homes (all 2 beds), and 2 Shared Ownership (all 2 beds) which fully accords with the expectations of policy AH SP2 of the ALP and the Interim Policy Statement 'First Homes' 18th October 2021.

The Town Council highlighted concerns with the distribution of affordable housing units, but this has since been amended and the units would be distributed appropriately across the site. Therefore, the affordable housing is in small clusters throughout the site as required by policy AH SP2 of the ALP.

#### **INTERNAL SPACE STANDARDS AND ACCESSIBLE DWELLINGS**

The proposed dwellings meet the thresholds for the Nationally Described Space Standards, and whilst the Town Council have noted disappointment that some house types are only just above this, the size of the dwellings is acceptable.

Arun District Council have published guidance to assist in the interpretation of Policies D DM1 and D DM2 in relation to accessible dwellings. The guidance document would expect for a development of this size to contribute 50 (i.e. 50%) dwellings to M4(2) standard (Accessible Homes), and 4 dwellings to M4(3) standard (Wheelchair Accessible).

It is not proposed to provide any M4(3) standard dwellings, which is not in accordance with published guidance. However, 100% of the scheme is M4(2) compliant which is a significant overprovision, and, on balance, this overprovision is deemed to mitigate the under provision of M4(3) units.

The document approved is a material consideration but is not a policy requirement or an adopted SPD. Therefore, whilst the absence of M4(3) dwellings is disappointing, the provision of 101 dwellings to M4(2) standard can be adequately conditioned and is deemed to offset the shortfall.

Therefore, the scheme complies with Policy D DM2 in terms of internal space standards and provides for adaptability in accordance with D DM1 and the Arun Design Guide SPD.

#### CAR AND CYCLE PARKING

ALP Policy T SP1 and the adopted Arun District Council Parking Standards SPD (January 2020), seek to provide sufficient parking, ensure safe access within and on to the highway network and promote sustainable transport.

Development is allocated within parking zone 2, and therefore 2 no. allocated parking spaces are required for all one-, two-, and three-bedroom dwellings. 3 no. parking spaces are required for four-bedroom properties, and 20 visitor parking spaces are required.

The overall allocated parking provision is 210 spaces, and all properties have adequate allocated parking in accordance with the Parking SPD. 21 visitor spaces are also proposed, and of this provision 11 are accessible parking spaces, which equates to 5% of the total provision which aligns with the requirements of the parking SPD.

Cycle parking is provided for each dwelling; two-bed dwellings will have one bicycle storage space, three and four-bed dwellings will have two bicycle storage spaces. The cycle parking will be provided as cycle stores located within rear gardens which is an acceptable solution. With all houses having rear access to gardens.

Based on the above, the proposal would deliver satisfactory parking provision for bicycles and vehicles and would accord with Policy T SP1 of the ALP and I.01 of the Arun Design Guide.

#### ELECTRIC VEHICLE CHARGING (EV)

Policy T SP1 of the ALP and ADC Parking Standards SPD 2020 requires development to provide for active EV charging points. This can be suitably conditioned to ensure that details are provided and the EV charging points are provided prior to occupation which would ensure the development accords with Policy T SP1 and the ALP as well as the Parking Standards SPD.

#### WATER, FLOODING AND DRAINAGE

Southern Water have no objection to the proposal and have confirmed that there is capacity within the network for foul sewerage disposal.

ADC Drainage Engineers have reviewed the original application and have confirmed that the layout will not jeopardise the provision of a policy compliant surface water drainage scheme. They have raised no objection subject to imposing conditions to secure the detailed drainage designs prior to commencement. WSCC Lead local Flood Authority have also raised no objection. Both consultees have been consulted on the new plans to ensure that their comments remain unchanged. Subject to the proposed conditions, the development is in accordance with Policy W DM3 of the ALP.

#### EXTERNAL LIGHTING



External lighting locations have been provided on the Hard Landscaping details. Details will need to be secured in relation to their design, and specification to ensure that the lighting design would not adversely impact upon bats. Subject to the proposed lighting condition, the development would accord with Policy QE DM2 of the ALP.

#### **AIR QUALITY**

Major developments are required to assess and mitigate any negative impacts on air quality. An Air Quality Assessment has been undertaken which identifies several mitigation measures for air quality, such as using Air Source Heat Pumps, providing bicycle storage, Electric Vehicle Charging (EV) provision, and a suitable Construction Environmental Management Plan which minimises dust during the construction phase. These will be conditioned and therefore the requirements of Policy QE DM3 of the ALP has been met.

#### **CONTAMINATION**

Environmental Health have confirmed that the findings presented are accepted, and that there is no objection subject to the imposition of a suitably worded condition to secure a remediation and verification report.

#### **ARCHAEOLOGY**

A desktop study has confirmed that the site has a moderate to high potential to contain archaeological remains of local to regional significance, based upon the West Sussex Historic Environment Records. The Council's archaeology advisor is satisfied with the conclusions within the archaeological desk-based assessment (October 2021, By Orion, reference PN3139\_2). Therefore, subject to the inclusion of a suitably worded planning condition, the application would accord with policy HER DM6 of the ALP.

#### **REFUSE AND BIN COLLECTION**

Refuse and emergency vehicle tracking has been provided, which shows that fire engines can access the dwellings.

Refuse vehicle tracking shows that the collection points within the mews clusters are accessible by vehicles. Therefore, the details proposed ensure that appropriate refuse collection and safe fire access.

#### **CLIMATE CHANGE AND SUSTAINABILITY**

Policy ECC SP2 of the ALP requires major development to provide at least 10% of energy demand from renewable sources. The application proposes the 101 units to be heated using air source heat pumps, which is a renewable technology. Therefore, the principle of air source heat pumps are acceptable, a planning condition will be used to ensure that at least 10% of the predicted site energy demands are met through this provision.

The Town Council previously requested solar panels in pre-application, however, they support the provision of air source heat pumps. The type of renewable energy source is based on a case-by-case basis, and the use of one technology over another is not a consideration within policy. Therefore, subject to confirmation that the air source heat pumps or another method would generate 10% of the developments predicted energy demands the proposals would accord with policy accords with Policy ECC SP2.

The proposed water use per person is proposed to be less than 110 litres per person per day, which is in



accordance with Policy W DM1 of the ALP. This will be secured via condition to ensure that the optional standard is met.

## **INFRASTRUCTURE AND FINANCIAL CONTRIBUTIONS**

Policy INF SP1 of the ALP requires developments to proportionally contribute to wider infrastructure and service needs.

This application is located in a £0psqm CIL zone, and therefore no infrastructure contributions will be collected through the CIL charging regime.

The applicant has agreed to enter into a Section 106 agreement to secure the necessary infrastructure relating to the development. A Heads of Terms will be included alongside the report update setting out the contributions for this development in accordance with policy INF SP1 of the Arun Local Plan once the updated consultation responses have been received.

## **CONCLUSION AND RECOMMENDATION**

The applicant has made significant amendments to the application to overcome/address the concerns raised by the LPA and statutory consultees. Given the amendments to the proposal it is in accordance with the Arun Design Guide, and the Local Plan policies. As such, it is recommended that the application is approved subject to the conditions proposed.

The publicity period finished on 19th June 2023, and therefore the recommendation to members is as follows:

"To grant delegated authority to the Group Head of Planning to grant planning permission subject to conditions and a s106 agreement once the consultation period has ended, so long as no material matters which have not already been considered through the recommendation report are raised.

If any new material considerations are raised which have not been addressed, then delegated authority is given in consultation with the Chair or Vice-Chair of the Planning Committee to determine the application as appropriate."

### **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**

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

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

<b>RECOMMENDATION</b>
-----------------------

**APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT**

- 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 and documents:

- 21080\_03-07-100\_Proposed Site Plan - P3
- 21080\_03-07-101\_Proposed Ground Floor Plan - P3
- 21080\_03-07-102\_Proposed First Floor Plan - P3
- 21080\_03-07-105\_Proposed Roof Plan - P3
- 21080\_03-07-200\_Proposed Elevations and Sections 01 - P4
- 21080\_03-07-201\_Proposed Elevations and Sections 02 - P3
- 21080\_03-07-202\_Proposed Elevations and Sections 03 - P2
- 21080\_03-07-010\_Building Heights - P3
- 21080\_03-07-012\_Indicative Tenure Plan - P3
- 21080\_03-07-021\_Refuse Storage and Collection - P3
- 21080\_03-07-022\_Site Vehicle Parking - P3
- 21080\_03-07-400 - 2B3P Semi-detached House - P2
- 21080\_03-07-411 - 2B4P Terrace House 01 - P3
- 21080\_03-07-412 - 2B4P Terrace House 02 - P3
- 21080\_03-07-413 - 2B4P Semi-detached House (eaves fronted) - P2
- 21080\_03-07-420 - 3B4P+ Semi-detached House - P2
- 21080\_03-07-421 - 3B4P+ Semi-detached House - P2
- 21080\_03-07-432 - 3B5P+ Semi-detached House - P2
- 21080\_03-07-436 - 3B5P+ Detached House - P2
- 21080\_03-07-440 - 4B6P Semi-detached House - P2
- 21080\_03-07-443 - 3B5P Detached Dormer House- P2
- 1444-HED-DR-03-001 P03 Illustrative Masterplan
- 1444-HED-DR-03-002 P04 Hard Landscape Plan
- 1444-HED-DR-03-003 P03 Soft Landscape Plan
- 1444-HED-DR-03-006 P05 Trees to be Retained
- 1444-HED-DR-03-007 P05 Trees to be Removed
- 1444-HED-DR-03-008 P05 Trees to be Proposed
- 1444-HED-DR-03-009 P05 Boundary and Fencing Plan
- 1444-HED-DR-03-010 P02 Planting Schedule
- 1444-HED-DR-03-013 P04 Play Area Detail Plan
- 1444-HED-DR-03-014 P04 Play and Open Space Plan
- Air Quality Assessment Update

Reason: For the avoidance of doubt and in the interests of proper planning, in accordance

with the aims of the Local Plan.

- 3 Prior to the commencement of the development, including any works of demolition, a Construction and Environmental Management Plan (including for biodiversity) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved details shall be implemented and adhered to throughout the entire construction period. The submission shall provide details as appropriate but not necessarily be restricted to the following matters:

- the anticipated number, frequency and types of vehicles used during construction,
- An indicative programme for carrying out of the works
- the method of access and routing of vehicles during construction,
- the details of any compound locations,
- the parking of vehicles by site operatives and visitors,
- loading and unloading of plant and materials, including permitted times for deliveries;
- storage of plant and materials used in constructing the development;
- the erection and maintenance of security hoarding,
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- Measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method of piling for foundations, the careful selection of plant and machinery and use of noise mitigation barrier(s)
- A scheme for recycling / disposing of waste resulting from demolition and construction works i.e. no burning permitted
- Dust Management Plan in accordance with the IAQM document 'Guidance on the assessment of dust from demolition and construction, 2014'
- details of public engagement both prior to and during construction works.
- biodiversity CEMP measures (risk assessment, biodiversity protection zones, sensitive security/work lighting, covering foundation gaps overnight for badger protection, sensitive working practices, location and staging/timing of certain works to avoid adverse impacts on species, ecological clerk of works).
- details of pollution control measures for bats (In accordance with the recommendations within the Bat Survey Report 2022, RP-HED-062, Page 15).

Reason: In the interests of highway safety, and the protection of amenity of local residents in accordance with policy T SP1 and QE SP1 of the Arun Local Plan. And in the interest of the protection of protected and priority species so that development is in accordance with 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). This is required to be a pre-commencement condition because it is necessary to have the construction site set-up agreed prior to access by construction staff.

- 4 Prior to the commencement of development, other than works of site survey and investigation, full details of the proposed surface water drainage scheme are required to be submitted 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.

- 5 Prior to the commencement of development details shall be submitted and approved in writing by the Local Planning Authority for any proposals: to discharge flows to watercourses; or for the culverting, diversion, infilling or obstruction of any watercourse on or adjacent to the site. Any discharge to a watercourse must be at a rate no greater than the pre-development run-off values and in accordance with current policies. No construction is permitted, which will restrict current and future landowners from undertaking their riparian maintenance responsibilities in respect to any watercourse or culvert on or adjacent to the site.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W DM1, W DM2 and W DM3 of the Arun Local Plan. And to ensure that the duties and responsibilities, as required under the Land Drainage Act 1991, and amended by the Flood and Water Management Act 2010, can be fulfilled without additional impediment following the development completion. It is considered necessary for this to be a pre-commencement condition to protect existing watercourses prior to the construction commencing.

- 6 Development shall not commence until full details of the maintenance and management of the surface water drainage system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include details of financial management and arrangements for the replacement of major components at the end of the manufacturer's recommended design life. Upon completed construction of the surface water drainage system, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W DM1, W DM2 and W DM3 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition to ensure that the future maintenance and funding arrangements for the surface water disposal scheme are agreed for the approved drainage scheme.

- 7 Prior to the commencement of development a detailed level survey of the site including existing and resulting ground levels and the slab levels of the building the subject of this approval, shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed only in accordance with the details thus approved and there shall be no subsequent raising of levels without prior written approval of the Local Planning Authority.

Reason: In order to safeguard the amenities of the area and neighbouring residents in accordance with policy D DM1 of the Arun Local Plan. This is required to be a pre-commencement condition because site levels must be set prior to works commencing on the new houses as otherwise it would be difficult and expensive to rectify any changes.

- 8 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.

- 9 Prior to the commencement of the development, a programme of archaeological work in accordance with a written scheme of investigation shall be submitted and approved by the Local Planning Authority. The programme shall be implemented in strict accordance with the approved details.

Reason: The site is of archaeological significance in accordance with Arun Local Plan Policy HER DM6. This is required to be a pre-commencement condition because the approved measures may need to be built into the fabric of the buildings.

- 10 Prior to the commencement of development an Arboricultural Method Statement and Tree Protection Plan shall be submitted and approved in writing by the Local Planning Authority and the development shall be undertaken in strict accordance with the details so approved. Where felled trees are proposed, a soft fell approach should be taken.

Reason: To ensure the retention and maintenance of trees and vegetation which are an important feature of the area in accordance with Policy D DM1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition as the protection and retention of trees goes to the heart of the planning permission

- 11 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 Report' 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.

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

The scheme shall be implemented as approved and, prior to commencement of any



construction work (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 report, and for the reporting of this in writing to the Local Planning Authority.

Reason: To protect the amenity of local residents in accordance with Policy QE DM4 of the Adopted Arun Local Plan 2011 - 2031

12 Prior to the commencement of development an Ecological Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include but is not limited to the following:

- Details and locations of integrated bat bricks / tiles and non integrated bat boxes on retained trees.
- Inclusion and details of fencing gaps to allow movement of small mammals across the site, such as hedgehogs.
- Details and locations of hibernacula, log piles and hedgehog nesting boxes.
- Details and locations of integrated and non integrated bird boxes, including barn owl boxes.
- Details of the timings of the delivery of the measures above.

The approved plan shall be implemented in full in accordance with the agreed timings and details.

Reason: To ensure the retention, protection and enhancement of biodiversity in accordance with Policies ENV SP1, ENV DM1 and ENV DM5 of the Arun Local Plan 2011-2031. It is considered necessary for this to be a pre-commencement condition to prevent harm to potentially vulnerable species.

13 Prior to the commencement of the development, a Reptile Mitigation Strategy shall be submitted to and approved in writing by the Local Planning Authority. The mitigation will be carried out in full accordance with the details approved.

Reason: To conserve and enhance protected and priority species to allow the Local Planning Authority 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). This is required to be a pre-commencement condition due to reptiles needing to be moved prior to construction activities.

14 Prior to the commencement of the development, the applicant shall submit an Employment and Skill Plan for the development to be approved in writing by the Local Planning Authority. Following approval, the developer will implement and promote the objectives of the plan.

Reason: In accordance with Policy SKILLS SP1 of the Arun Local Plan. It is necessary for this to be a pre-commencement condition as it relates to the construction phase of development.

15 No development above damp proof course (DPC) level shall take place until full details are submitted to and approved in writing by the Local Planning Authority demonstrating how the development will ensure a minimum of 10% of the predicted energy supply uses either decentralised/renewable or low carbon energy sources (as described in the glossary at Annex 2 of the NPPF), unless otherwise agreed in writing by the Local Planning Authority. Any

physical features that are required as part of the works must be installed in full accordance with the approved details and installed prior to the occupation of each dwelling and shall be maintained in good working condition.

Reason: In order to secure a reduction in on site energy use through renewable energy provision in accordance with the NPPF, and Policy ECC SP2 of the Arun Local Plan.

- 16 Notwithstanding the details within the approved plans, no development above damp proof course (DPC) level shall take place unless full details of the pumping stations and substations on the site have been submitted and approved by the Local Planning Authority.

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

- 17 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes for walls, roofs, and boundary materials have been submitted to and approved by the Local Planning Authority. The details to be approved will include samples of materials of the materials to be used for external walls and roofs of the proposed buildings. The development shall be implemented as approved.

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

- 18 Immediately following implementation of the approved surface water drainage system and prior to occupation of any part of the development, the developer/applicant shall be submit for approval by the Local Planning Authority with as-built drawings of the implemented scheme together with a completion report prepared by an independent engineer that confirms that the scheme was built in accordance with the approved drawing/s and is fit for purpose.

Reason: To ensure that the proposed development is satisfactorily drained and in accordance with policies W SP1,W DM1, W DM2 and W DM3 of the Arun Local Plan.

- 19 Prior to the occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the 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. It shall also include any plan (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 to the Local Planning Authority.

Reason: To protect the environment and prevent harm to human health by ensuring that the remediated site has been reclaimed in an appropriate standard in accordance with Arun Local Plan policies QE SP1 and QE DM4.

- 20 Prior to the occupation of any part of the development, full details of all external lighting (including streetlighting and security lighting) shall be submitted to and approved in writing by the Local Planning Authority. The scheme should seek to conform with the recommendations of the Institution of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Obtrusive Light" (GN01:2011) and minimise potential impacts to any bats using trees and hedgerows (in accordance with the BCT/ILP Guidance Note Bats and artificial lighting in the UK 08.18) by avoiding unnecessary artificial light spill through the use of directional light

sources and shielding. Details should include, but are not limited to:

- a) The location of lighting columns.
- b) Mitigation measures to minimise potential glare and spillage.
- c) Appearance (including height), and design of lighting columns.
- d) Timings of lighting including timers/PIR sensors to reduce unnecessary lighting.
- e) Details of lighting luminaires (lux levels), lighting temperature (K).
- f) A horizontal illuminance contour plan.
- g) identification of important routes used by foraging bats and demonstration of limiting lighting on these areas.

The lighting approved shall be installed and maintained in accordance with the approved details.

Reason: In the interests of the amenities of the area, the site biodiversity (particularly in respect of bats), the interests of minimising crime, road safety and to minimise unnecessary light spillage outside the development site in accordance with policies QE SP1, QE DM2, T SP1 & ENV DM5 of the Arun Local Plan.

- 21 Prior to occupation of any of the approved dwellings, an Electric Vehicle Charging Strategy shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall provide the dwellings with electric vehicle charge points in accordance with the council's standards as set out in its Parking Standards SPD. 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) and shall be implemented and operational prior to the occupation of each dwelling. The electric vehicle charge points shall thereafter be retained and maintained in good working condition.

Reason: New petrol and diesel cars/vans will not be sold beyond 2030, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with policy QE DM3 (c) of the Arun Local Plan, the Arun Parking Standards SPD and the NPPF.

- 22 Prior to the commencement of the development, a further noise assessment shall be completed by a competent acoustician that takes account of recent changes to the local road network and a scheme for mitigation shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that the internal noise levels within the residential units will conform to the "Indoor ambient noise levels for dwellings" guideline values specified within Table 4 under section 7.7.2 of BS 8233:2014 and that the external noise levels within the curtilage of residential units will conform to the "Design criteria for external noise" upper guideline value of 55 dB LAeq,T as specified within section 7.7.3.2 of BS 8233:2014.

The scheme shall include details and locations of any acoustic wall and/or fencing designed to protect amenity spaces and also window specification and ventilation requirements in order to achieve a suitable acoustic environment with adequate natural ventilation. The assessment shall include all noise sources, including but not limited to noise generated by the local schools, any proposed air source heat pumps and mechanical ventilation plant. Any works which form part of the scheme approved by the Authority shall be completed before any permitted dwelling is occupied, unless an alternative period is agreed in writing by the Authority.

Reason: In the interests of amenity in accordance with policy D DM1 and QE DM1 of the Arun Local Plan. This is required to be a pre-commencement condition due to the requirement for appropriate external and internal noise levels to be reached.

- 23 No development above damp proof course (DPC) level shall take place unless and until details of the proposed location of the required fire hydrants have been submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service.

Prior to the first occupation of any dwelling forming part of the proposed development, the developer shall at their own expense install the required fire hydrants (or in a phased programme if a large development) in the approved locations to BS:750 standards or stored water supply and arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting.

The fire hydrants shall thereafter be maintained as part of the development by the water undertaker at the expense of the Fire and Rescue Service if adopted as part of the public mains supply (Fire Services Act 2004) or by the owner/occupier if the installation is retained as a private network.

Reason: In the interests of amenity and in accordance with policy INF SP1 and T SP1 of the Arun Local Plan and in accordance with The Fire & Rescue Service Act 2004.

- 24 The approved details of the landscaping shall be carried out in the first planting and seeding season, following the occupation of the buildings or the completion of the development, whichever is the sooner.

Any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation

Reason: In the interests of amenity and of the environment of the development in accordance with policy D DM1 and ENV DM4 of the Arun Local Plan.

- 25 Notwithstanding the provisions of Parts 1 & 20 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (as amended) (or any Order revoking or re-enacting this Order) no dormer/roof extensions/alterations to the houses approved shall be constructed unless permission is granted by the Local Planning Authority on an application in that behalf. Reason: In the interests of visual amenity, and the particular characteristics of this development in accordance with policies D DM1, D SP1 of the Arun Local Plan.

- 26 No development (including demolition) shall take place other than from 08:00 hours until 18:00 hours (Monday to Friday) and from 08:00 hours until 13:00 hours (Saturday) with no work on Sunday or Bank/Public Holidays.

Reason: In the interests of neighbour amenity in accordance with QE DM 1.

- 27 All dwellings hereby permitted shall be built to the optional requirement M4(2) - Accessible and adaptable dwellings standard as defined within Part M of the Building Regulations, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To deliver accessible homes in accordance with Policy D DM1.

- 28 Noise from the pumping station shall not exceed 45dB LAeq (15mins) with no tonal components evident at the boundary of the nearest noise sensitive property. When assessed by a competent acoustic engineer, the Vibration Dose Value (VDV) shall not exceed the



applicable 'low probability of adverse comment' level for the test environment in question (i.e. residential buildings, offices, workshops) contained within BS 6472-1:2008 (Guide to evaluation of human exposure to vibration in buildings - Part 1: Vibration sources other than blasting) inside the nearest property. A test or prediction of the noise levels and a test or estimation of the expected vibration environment to demonstrate compliance with the levels shall be undertaken within 3 months of the development being implemented.

Reason: To protect the amenity of local residents in accordance with Policy QE DM1 of the Adopted Arun Local Plan 2011 - 2031

- 29 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.

- 30 No individual dwelling hereby approved shall be occupied until the optional requirement for restricted water consumption in Part G of the Building Regulations as demonstrated through the water calculator has been complied with for that dwelling.

Reason: To improve the sustainability of the dwellings in accordance with policy W DM1 of the Arun Local Plan.

- 31 No individual dwelling shall be first occupied until the car parking spaces and access to and from the dwelling have been constructed and are operational, in accordance with the approved plans and details. The parking spaces shall thereafter be retained at all times for their designated use.

Reason: To provide car-parking space for the use of dwellings in accordance with policy T SP1 of the Arun Local Plan.

- 32 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement.

- 33 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.

- 34 INFORMATIVE: This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc ) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat



Conservation Trust on 0345 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.

- 35 **INFORMATIVE:** Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The infiltration tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method. All design storms must include a climate change allowance, as per <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>, on stored volumes or rainfall intensity. Infiltration structures must cater for the critical 1 in 10 year storm event, (plus40%) between the invert of the entry pipe to the soakaway and the base of the structure. All surface water drainage designs must also have provision to ensure there is capacity in the system to contain the critical 1 in 100 year storm event (plus 45%).

Freeboard is to be provided between the base of the infiltration structure and the highest recorded groundwater level identified in that location. Ideally this should be 1 metre where possible, as stated in the CIRIA Suds Manual guidance. However, on the coastal plain in particular, where geology dictates and where shallow perched/tidally influenced water tables are often present, this is unlikely to be achievable irrespective of this, infiltration must still be fully considered. Therefore, to maximise this potential and avoid utilising other less favourable methods of surface water disposal, the bases of infiltration structures are permitted to be immediately above the peak recorded groundwater levels where it is deemed necessary.

In areas where an aquifer is to be protected (subject to guidance from the Environment Agency) then a minimum 1 metre freeboard must be provided.

Suitable water treatment is required upstream to the point of discharge in all circumstances to minimise any groundwater pollution risk or detriment to the drainage network.

Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest groundwater table in support of the design. The applicant is advised to discuss the extend of ground water monitoring with the council's engineers.

Supplementary guidance notes regarding surface water drainage are located at <https://www.arun.gov.uk/drainage-planning-consultations> on Arun District Council's website. A surface water drainage checklist is available on Arun District Council's website, this should be submitted with a Discharge of Conditions Application. Reference should also be made to the 'West Sussex LLFA Policy for the Management of Surface Water'.

- 36 **INFORMATIVE:** Under Section 23 of the Land Drainage Act 1991 Land Drainage Consent must be sought from the Lead Local Flood Authority (West Sussex County Council), or its agent (Arun District Council [land.drainage@arun.gov.uk](mailto:land.drainage@arun.gov.uk)), prior to starting any works (temporary or permanent) that affect the flow of water in an ordinary watercourse. Such works may include culverting, channel diversion, discharge of flows, connections, headwalls and the installation of trash screens.

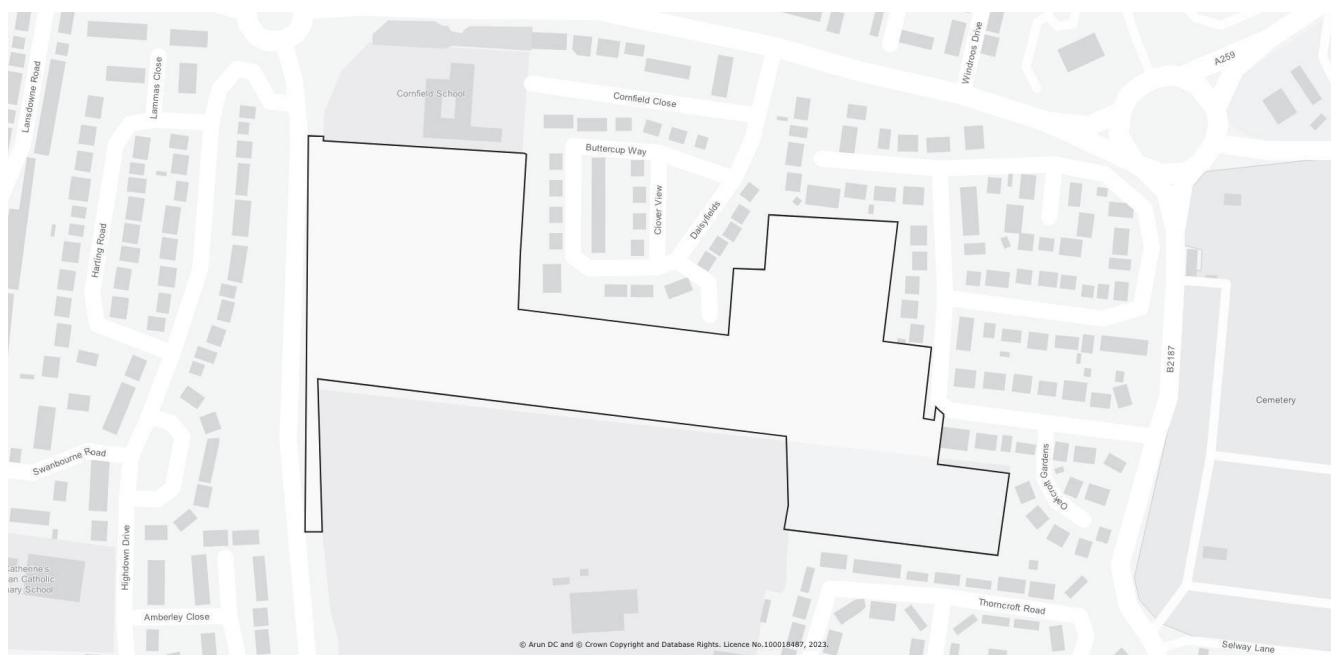
The development layout must take account of any existing watercourses (open or culverted) to ensure that future access for maintenance is not restricted. No development is permitted within 3m of the bank of an ordinary watercourse, or 3m of a culverted ordinary watercourse.

- 37 **INFORMATIVE:** If during construction works, it becomes apparent that implementation cannot be carried in accordance with previously agreed details any resubmission of the drainage design must be accompanied by an updated copy of the management manual.

**BACKGROUND PAPERS**

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

**LU/299/22/PL - Indicative Location Plan (Do not Scale or Copy)**  
**(All plans face north unless otherwise indicated with a north point)**



Based on the Ordnance Survey mapping with permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Arun District Council 100018487. 2015