

PLANNING APPLICATION REPORT

REF NO:	P/35/24/OUT
LOCATION:	Land South of Summer Lane Paghham
PROPOSAL:	Outline application with some matters reserved for a proposed residential development of up to 110 No. dwellings including means of access into the site (not internal roads), with all other matters (relating to appearance, landscaping, scale and layout) reserved. This application is a Departure from the Development Plan and affects a Public Right of Way.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	<p>Although layout is a reserved matter, an illustrative layout has been provided which indicates new residential dwellings including flatted buildings together with parking, roads, footpaths, play areas, open space, landscaping, and drainage features. The existing trees to the northern and southern boundaries are shown to be retained and new trees are shown within the layout.</p> <p>The application proposes to take access from an estate road on the adjacent site to the east (as approved by P/140/16/OUT). This will require a form of crossing over the existing boundary ditch. The access road also crosses the route of Horns Lane, a private road between Summer Lane and Church Barton Farm. The application proposes to install an electric fob operated gate on Horns Lane set back 6m from the northern edge of the new carriageway. In addition, a series of signs will be placed to make drivers aware not to turn onto Horns Lane/that it is a private road.</p> <p>The access road carriageway will be 6.1m wide. Two shared pedestrian/cycle accesses will be provided onto Summer Lane to the North. Further footpath accesses to the north, east and south are also shown.</p>
SITE AREA	5.56 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	Up to 19.7 dwellings per hectare.
TOPOGRAPHY	Appears flat but the site survey shows that the site falls from west to east and north to south.
TREES	There is a line of established, mature Black Poplars along the northern edge of the site with some smaller trees (Hawthorn/Field Maple) and a Willow. There are some smaller trees dotted along the eastern boundary. A further shorter line of Black Poplars sits adjacent to the southern boundary (but

BOUNDARY TREATMENT	outside of the site area). None of the trees are protected.
SITE CHARACTERISTICS	The boundaries are either open or formed by hedging/ditches/scrub planting.
CHARACTER OF LOCALITY	The site is comprised of an existing field and part of an adjacent field. A ditch currently demarcates the western edge of the main field. Horns Lane lies adjacent to the eastern boundary. There are further ditches to the northern and eastern boundaries. Part of the eastern ditch also comprises a pond.
CHARACTER OF LOCALITY	The locality of the site is predominantly rural in character. However, it must be noted that the adjacent land to the east and south benefit from planning permissions for new housing. There is also an existing housing development to the north-east (90 dwellings under references P/58/15/OUT & P/70/19/RES).

RELEVANT SITE HISTORY

P/15/24/OUT	Outline application with some matters reserved for a proposed residential development of up to 120 No dwellings including means of access into the site (not internal roads), with all other matters (relating to appearance, landscaping, scale and layout) reserved. This application is a Departure from the Development Plan and affects a Public Right of Way.	
P/139/22/RES	Approval of reserved matters following P/25/17/OUT for the provision of 65 dwellings, access roads, landscaping, open space and associated works. This application affects a Public Right of Way.	ApproveConditionally 23-01-24
P/155/21/RES	Approval of reserved matters (layout, scale, appearance and landscaping) following outline consent P/140/16/OUT for the 'local centre' parcel which comprises of retail, community and commercial uses, 20 No residential apartments and a 70 bed care home.	ApproveConditionally 31-05-22
P/153/21/RES	Approval of reserved matters (appearance, layout, landscaping and scale) following outline planning Permission P/140/16/OUT for the erection of 350 No. dwellings, together with public open space, play space, drainage, parking and associated infrastructure, landscape, ancillary and site preparation works, with access off Pagham Road. This site may affect a Public Right of Way.	ApproveConditionally 19-01-24

P/70/19/RES	Approval of reserved matters following outline consent P/58/15/OUT for 90 No. dwellings. Also seeking to address the terms of planning conditions 6 (Phasing), 8 (ecology), 9 (Surface Water), 12 (Vehicular Access), 15 (Parking), 18 (Travel Plan), 20 (Landscape Management), 24 (Parking Control), 25 (Dwelling Parking) and 26 (Materials).	ApproveConditionally 28-02-20
P/25/17/OUT	Outline application with all matters reserved - Erection of up to 65 No. dwellings, access roads, landscaping, open space & associated works.	App Cond with S106 05-09-19
P/140/16/OUT	Outline application for access only - mixed use development comprising of up to 400 dwellings, a care home with up to 70 beds, a Local Centre comprising up to 2000sqm of A1/A2/A3/D1/sui generis floorspace, provision of land for a 1FE primary school (with sufficient space to ensure that it is expandable to 2FE), provision of land for a scout hut, safeguarding of land to help link the site to the Pagham Harbour Cycle Route & other community uses including public open space & allotments with some matters reserved.	App Cond with S106 22-11-18
P/58/15/OUT	Outline application with some matters reserved for the erection of 90 No. dwellings with associated access & open space. This is a Departure from the Development Plan.	App Cond with S106 30-09-16

A second application has been lodged on the same site under ref P/15/24/OUT and this proposes a slightly higher number of dwellings (up to 120). Neither of the applications have been subject to any pre-application advice. The land to the south and the east are all part of the Pagham South strategic allocation and benefit from outline and reserved matters approvals under references P/140/16/OUT, P/25/17/OUT, P/153/21/RES, P/155/21/RES and P/139/22/RES.

REPRESENTATIONS

Pagham Parish Council - object for the following reasons:

- This is in the countryside and regard needs to be had to the improved housing land supply situation.
- The Transport Assessment does not consider the Bersted SD3 allocation or the 106 homes approved on Pagham Road (P/178/21/OUT) in the cumulative assessment.
- Increased danger to pedestrian/cyclists on Pagham Road.
- A s106 contribution should be secured to the improved cycling route.

- Loss of best and most versatile agricultural land.
- Surface Water drainage concerns.
- ADC's Engineers must provide consultation advice.
- The P/140/16/OUT Brent Geese mitigation land must be secured first before development is granted
- The availability of the Public Open Space to the wider community should not been as a positive as it is not needed.
- The economic benefits have been overstated and do not consider the loss of agricultural income.
- The development must align with the delivery of infrastructure.
- Need landscaping to prevent vehicles entering Summer Lane from the development site.

Further comments were submitted in September and state concern by the prospect of access being available from the site access road to Summer Lane via Horns Lane. The Parish are concerned that the proposed signage can be ignored by drivers and are worried about who will be responsible if the gates are broken.

As of 15 October, 109 letters of objection (including from North Mundham Parish Council) raising the following issues:

- Development in the countryside, on unallocated land and within a settlement gap.
- Need to develop brownfield land first.
- Loss of Grade 2 agricultural land.
- The level of housebuilding in Pagham conflicts with ADC's stated objectives in its Direction of Travel document.
- Overdevelopment of Pagham.
- Harm to the character and beauty of Pagham.
- No need for more houses.
- The Transport Assessment also need to take account of developments in North Mundham, and the impact on the B2166 Lagness Road.
- There should be no access from Summer Lane.
- Increased danger to pedestrian/cyclists on Pagham Road.
- Insufficient road capacity for the scale of new housebuilding.
- Increased wear on local roads from high traffic numbers.
- Need enhancement of the Strategic National Cycle Network Route 2.
- Harm to Pagham Harbour and Brent Geese.
- Need Brent Geese mitigation land.
- Displacement of, and harm to wildlife species.
- Insufficient local infrastructure for the scale of new housebuilding.
- Need new A27 junctions, a hospital, new GP surgeries, Police and Fire Stations first.
- Unclear how CIL payments are being used to benefit Pagham.
- Increased risk of flooding due to drainage.
- Pagham Road is frequently blocked by flooding.
- Insufficient foul sewage capacity despite improvements.
- Insufficient affordable housing.
- Harm to the amenity value of footpaths.
- Proposed gardens are too small.
- Harm to mental health of existing residents.
- Harm to the amenity of existing holiday accommodation in the area (Furzefield Barn & Church Farm Holiday Park); and
- No material difference between this and application P/15/24/OUT.

COMMENTS ON REPRESENTATIONS RECEIVED:

The majority of the objections are discussed in the content of the conclusions section with the exception of the following:

- Whilst the Transport Assessment is not explicit that it has considered the West Bersted allocation or the Pagham Road decision, these sites have been picked up as forecast growth in the TEMPRO modelling software so their impacts on the surrounding network have been considered. Peak hour vehicular trips generated by the proposal would be the region of 60 trips during both AM and PM peaks and given the location and choice of routes, some of this traffic will be distributed towards Bognor and some towards Chichester, thereby reducing the impact at various points on the network. The additional impact on junctions is very small compared to the base position plus committed developments and so would be hardly noticeable daily. Therefore, this would not prevent the delivery of other sites such as West of Bersted and BEW.
- The site is eligible for the Community Infrastructure Level (CIL) and so it is only possible to use s106 to secure affordable housing, school transport contributions, strategic highway (i.e. A27) contributions and any on-site mitigation measures. Unlike with the strategic allocations, it is not possible to secure a Strategic National Cycle Network contribution through s106.
- Drainage consultation for major applications is undertaken by WSCC Engineers however they do liaise closely with ADC's own engineers.
- Regardless of need, the increased availability of public open space in the local area has to be considered favourably
- It is not possible to align all new development with infrastructure delivery as this is typically undertaken by third parties, however the development will clearly secure monies to go towards new infrastructure.
- No vehicular access is proposed from Summer Lane (only pedestrian/cycle). Bollards/barriers will be sufficient to prevent access by motorbikes.
- The proposal does conflict with some of the housing policy options in the Direction of Travel document but this is the very early stage of Local Plan preparation and has very little weight in the determination of applications.
- The council has an existing housing land supply shortfall and must look to allow new development on land in or adjoining existing settlements/built areas.
- The Pagham Wastewater Treatment Works is currently being upgraded and due to complete in 2025. It is not appropriate to say it is insufficient until the new upgrades are operational.
- There is no policy in place to protect the amenity value of footpaths, only to protect their route and recreation use.
- The submitted layout plans are illustrative and given the outline nature of the application, it is not possible to assess the layout or the size of gardens.
- There is not sufficient brownfield land available to meet all of the housing needs.
- The site is a significant distance from the Church Farm Holiday Park (around 800m) with intervening development. Furzefield Barn is closer (around 95m) but is still far enough away such that noise disturbance will not be an issue (and there will be no increase in vehicles using Summer Lane).
- In relation to CIL payments, ADC's "Infrastructure Funding Statement" 2023/2024 shows all monies spent year on year that were obtained from CIL.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

NATIONAL HIGHWAYS - no objection subject to conditions to secure a Travel Plan and a Construction Management Plan. Do not require any contributions towards the A27.

NATURAL ENGLAND - state have no specific advice.

PORTSMOUTH WATER - state no concerns regarding water quality.

SOUTHERN WATER - raised some concerns with the potential for odour pollution from the nearby Pagham Wastewater Treatment Works (PWwTW) but did not request any further information or make any objection. Request a standard foul drainage condition and a second condition to ensure the occupation of the homes aligns with the delivery of sewerage network reinforcement works. Also note the location of a foul sewer rising main crossing the site.

SUSSEX POLICE - no objection at this stage.

WSCC DRAINAGE - no revised response has been received since their initial objection however it is material that they provided a revised response to application P/15/24/OUT which stated no objection subject to conditions regarding surface water, management, and verification.

WSCC EDUCATION - objection due to it not being possible to expand secondary school provision for pupils arising from the development, and the lack of an allocated or secured site for a new secondary school. Until such time that the new secondary school has been built & opened, would require a contribution towards home to school transport in order to enable pupils to access schools outside the district. Also request that this development provides a contribution towards the new School.

WSCC HIGHWAYS - no objection subject to a Travel Plan & associated monitoring fee being secured by a s106 agreement. Also request conditions relating to implementation of the access, the estate roads and parking spaces before occupation, electric vehicle charge points, cycle parking, and construction management. Separately advised no objection ref the proposals for the intersection with Horns Lane.

WSCC PUBLIC RIGHTS OF WAY (PRoW) - no objection subject to a contribution to upgrading FP100 from a footpath to a bridleway. Also request an informative be added.

WSCC FIRE & RESCUE - no objection subject to a condition to secure fire hydrants.

PORTSMOUTH WATER - no objection but request that ADC seek to restrict water usage to a minimum standard of 100 litres per person per day.

ADC ECOLOGY - no objection subject to conditions to secure a suitable lighting scheme, 20 bat bricks/tubes, 55 integral bird nesting bricks and 16 bee bricks in sunny locations. States that further bat, wintering bird, badger and reptile surveys will be required at the reserved matters stage as the current surveys will most likely be out of date by then.

ADC BIODIVERSITY NET GAIN (BNG) - states no objection to the BNG information. Requests the standard BNG condition and inclusion of BNG within the s106 legal agreement.

ADC LANDSCAPE - no landscape objection subject to a landscape scheme and provision of on-site play/open space. The potential impact on the location would require that landscaping be provided as mitigation towards screening and softening of the development. The council's SPD requires 9,075m² as a minimum of well connected, usable, quality POS provision. On site Local Areas for Play (LAP), Local Equipped Area of Play (LEAP) and Neighbourhood Equipped Area of Play (NEAP) provision will be required. The submission states the provision of 4no LAPs, and 1no LEAP which would appear suitable provision for the development. Consideration will be required re the access into the site and the impact this may have on existing trees and hedges on any boundaries.

ADC HOUSING STRATEGY - need 30% affordable housing provision (33 based on 110 dwellings) comprising 67% affordable rented dwellings, 25% First Homes and 8% other intermediate ownership

products providing a range of sizes and accommodation.

ADC ENVIRONMENTAL HEALTH - no objections subject to conditions to secure a construction management plan, a suitable lighting scheme, to control construction hours and to protect against unexpected land contamination. Also states the submitted odour assessment report is acceptable and raises no concern with it concluding that odour impacts from the PWwTW on the proposed development site will be negligible.

ADC ECONOMIC DEVELOPMENT - request an Employment and Skills Plan condition.

CHICHESTER DISTRICT COUNCIL - raise no objection.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted except as discussed below:

WSCC EDUCATION - this objection is due to the current inability to expand secondary school provision to accommodate pupils arising from the development (and other developments in the district) and the lack of an allocated or secured site for the delivery of the new secondary school. This development does not itself generate the need for a new secondary school and there is no policy requirement for the development to provide a school on site or to fund the whole cost of one elsewhere.

It is material that CIL contributions can be used to fund new school facilities, and the developer will be liable for such. WSCC raised similar concerns in respect of the recent Land South of Barnham Station appeal, but the Inspector dismissed this stating "if allowed, the appeal proposal would be subject to a CIL liability in terms of contributing to wider infrastructure needs such as health and education". It is important to ensure consistency of decision making."

It has been agreed with WSCC that ADC will revisit looking at potential secondary school sites, but it is unreasonable to reject this application solely on the absence of a secured school site when an appropriate contribution through CIL will be secured towards its delivery. The requested school transport contribution can be secured through a section 106 agreement however it is not possible to secure a contribution towards the actual school as this application is liable for CIL.

WSCC PUBLIC RIGHTS OF WAY (PRoW) - As set out in the "Officer Comments on Reps" section, it is not possible to secure contributions towards cycling or walking infrastructure through this application due to the application being eligible for CIL payments.

POLICY CONTEXT

Designations/Constraints applicable to site:

- Current Flood Zone 1.
- Future Flood Risk 3a by 2111 (north-eastern corner).
- Risk of groundwater.
- Some areas of medium & high surface water flood risk (adjacent Horns Lane and within part of a drainage ditch in the south-western part of the site).
- Countryside.
- Within a Settlement Gap (Pagham to Selsey).
- Grades 2 and 3a Agricultural Land.
- Adjoining the Built Up Area Boundary (BUAB) and the Strategic Allocation ref SD2.
- Part of HELAA site refs 20P1 (Not Currently Developable) and 20P2 (Developable).

- Within Pagham Harbour Zone B.
- Within 2km of two Sites of Special Scientific Interest (SSSI).
- Area of Special Advert Control.
- Article 4 Direction ref 3/1/92 (prevents camping/moveable structures).
- A Foul sewer crosses the site.
- Adjacent to Public Right of Way (PRoW) ref PAG/100/3; and
- CIL Zone 5.

DEVELOPMENT PLAN POLICIES

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

AHSP2	AH SP2 Affordable Housing
CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM2	ENV DM2 Pagham Harbour
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
HDM1	H DM1 Housing mix
HERDM1	HER DM1 Listed Buildings
HERSP1	HER SP1 The Historic Environment
INFSP1	INF SP1 Infrastructure provision and implementation
LANDM1	LAN DM1 Protection of landscape character
OSRDM1	Protection of open space, outdoor sport, comm& rec facilities
QESP1	QE SP1 Quality of the Environment
QEDM1	QE DM1 Noise Pollution
QEDM3	QE DM3 Air Pollution
QEDM4	QE DM4 Contaminated Land
SDSP3	SD SP3 Gaps Between Settlements
SODM1	SO DM1 Soils
TSP1	T SP1 Transport and Development
TDM1	T DM1 Sustainable Travel and Public Rights of Way
WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems

PLANNING POLICY GUIDANCE:

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

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
SPD12	Open Space, Playing Pitches & Indoor & Built Sports Facilities
SPD13	Arun District Design Guide (SPD) January 2021
PDS	Pagham Parish Council's Village Design Statement by PaghamPC

POLICY COMMENTARY

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

Where applicable, Neighbourhood Development Plan's, once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area. There is no Pagham Neighbourhood Plan to consider as the emerging Plan was withdrawn in September 2020.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal conflicts with the development plan in that it would result in development outside of the defined settlement boundary, within a strategic gap and will result in the loss of best & most versatile agricultural land.

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

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

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

OTHER MATERIAL CONSIDERATIONS

There are other material considerations to be weighed in the balance with the Development Plan and these are set out in the conclusions section below.

BIODIVERSITY NET GAIN

This application is liable for Biodiversity Net Gain (BNG) and the following on-site BNG is proposed:

- 42.2% Habitat units (4.92).
- 46.51% Hedgerow units (2.39); and
- 79.65% Watercourse units (0.70).

CONCLUSIONS**PRINCIPLE:**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states applications should be determined in accordance with the development plan unless material considerations indicate otherwise. For this application, the development plan solely comprises the Arun Local Plan 2011-2031 (ALP).

Paragraph 11(d) of the NPPF sets out the presumption in favour of sustainable development which is to be applied where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date. Paragraph 14 serves to provide additional weight to Neighbourhood Plans in cases where paragraph 11(d) is engaged but as there is no Neighbourhood Plan for Pagham, para 14 is not relevant.

ALP policy C SP1 states residential development in the countryside outside the BUAB will not be permitted unless it accords with policies in the Plan which refer to a specific use or type of development. None of these relate to the proposal. Policy SD SP2 states development should be focused in the BUAB. The application conflicts with ALP policies C SP1 and SD SP2.

In addition, the site lies in a strategic gap (Pagham to Selsey) and policy SD SP3 states development will only be permitted if it does not undermine the physical and/or visual separation of settlements nor compromise the integrity of the gap, either individually or cumulatively with other existing or proposed development. The site would encroach into the existing gap and for that reason there is some conflict with the policy. However, considering existing approved development adjacent (i.e. the strategic allocation), the harm to the character of the countryside in this location would be reduced.

In January 2024, the council published its Authority Monitoring Report (AMR) for 2022/23, and this shows that the Housing Land Supply (HLS) is 4.17 years. Evidence showed that there has been significant progress in bringing forward planning approvals on strategic sites including a framework of coordinating Masterplans. The improved HLS position is positive, but it does not affect the application of the presumption in favour of sustainable development. On the basis of the current HLS, the ALP policies most important for the determination (Policy C SP1) has reduced weight.

The council's Action Plan (June 2019) made a series of recommendations to boost housing delivery. It recommended the council consider inviting applications from landowners / developers on 'deliverable' Housing & Economic Land Availability Assessment (HELAA) sites to re-establish the 5-year housing land supply. The site is part of HELAA site refs 20P1 (not currently developable) and 20P2 (developable). Neither site was stated in the HELAA to be deliverable therefore the Action Plan does not lend any weight to the proposal.

In February 2021, Arun published an Interim Policy Statement for Housing Delivery (IHS). This is not policy but was meant as a guide for developers proposing development on sites outside the BUAB and to inform decision-making. The IHS applies to sites adjacent to settlement boundaries and this site meets the criteria as there is BUAB to the immediate east and south. The IHS sets out criteria to help speed up determinations of suitable residential developments. The application scores highly against the criteria with the exceptions being the location of the site in the countryside, within a settlement gap and on agricultural land.

It is also material that the Government has recently published a Written Ministerial Statement and a consultation on amending the NPPF and that the focus of these is to raise housing targets and turbo charge growth in order to build 1.5 million homes within the UK over the next five years. The changes

proposed in respect of housing delivery and supply will result in an annual increase of 67 dwellings to Arun's Housing requirements. Whilst the WMS has only limited weight, it does clearly set out the governments policy position in respect of planning and this is exceptionally pro-supply and pro-development.

The proposal, despite being within the countryside, is sustainably located as it adjoins with the defined BUAB and with the strategic allocations. It will be possible for residents to use non-car means of transport to access pubs, shops, the village hall, and other services. The site will link with the strategic development approved by P/140/16/OUT which will include new retail, community, and commercial uses in addition to the 350 homes. There will be safe walking and cycling routes to Pagham Road.

In summary, the principle of development on this site conflicts with the ALP in respect of development in the countryside and within a strategic gap. However, these conflicts do not automatically result in a refusal as it is necessary to determine the application in accordance with the NPPF presumption in favour of sustainable development under paragraph 11(d). This report now proceeds to discuss the other issues before concluding on para 11(d) at the end.

AGRICULTURAL LAND:

The application is accompanied by an Agricultural Land Classification and Soil Resources Report (ALC) which concludes that 1.5ha of the site is Grade 2 (very good quality) with 2.9ha as Grade 3a (good quality) and 0.4ha as non-agricultural.

The ALC states that at the time of its survey (no date is given for this), there was evidence of a recent potato crop in the main field. The council's own visit was carried out in March 2024, and this suggested that the main field was planted with grass whilst the area of the second field was still in an arable use. There is potential for such arable agricultural activities to continue, and the site can be farmed as part of the wider agricultural holding (which extends to the west) thus supporting agriculture at scale.

ALP policy SO DM1 states unless land is allocated, then the use of Grades 1, 2 and 3a of the ALC for any form of development not associated with agriculture, horticulture or forestry will not be permitted unless the need for the proposal outweighs the need to protect such land in the long term.

Although this land is being (or has until very recently been used) for crops, the Council's HLS shortfall is significant and agricultural land will need to be built on to meet the shortfall. Sites that are close to existing settlement boundaries such as this would be preferred to meet this need.

Policy SO DM1 makes it clear that in order to fully justify the loss of the agricultural land, the policy criteria (a) to (b) and (d) to (g) should be met. These require assessment of the land's economic status, the land's environmental & other benefits and mitigation measures. The applicant has not responded to these criteria and has not provided a Soil Resource Plan (although this will be made subject to a condition). However, the applicant states:

- The additional requirements of policy SO DM1 are more onerous than para 180(b) of the NPPF which just requires the economic and other benefits of BMV agricultural land to be recognised.
- It is clear from Natural England's mapping, that the majority of land around Pagham and the settlements of the District are either Grade 1 or 2 agricultural land.
- Land quality is generally lower Grade 3 further inland, away from the settlements, but these areas are generally detached from the settlement edge and further away from the services and facilities and therefore are less suitable and sustainable.
- Recent appeal decisions (and decisions taken by Arun DC) concerning residential development have found in favour of granting permission on high grade agricultural land, principally due to the HLS shortfall.

On a recent appeal in the Pagham area (ref P/178/21/OUT), the Inspector ruled a conflict with the soil policy but determined, in the overall balancing exercise, that this conflict was outweighed by the scheme's benefits. The Inspector gave the loss of agricultural land (Grades 3a/3b) moderate weight and stated that the shortfall in housing land supply is significant and is likely to continue for some time with no imminent remedy through the plan making process. The Inspector noted that most countryside surrounding the main coastal towns in Arun is characterised as best and most versatile land, but it is difficult to avoid new development on the edge of such settlements resulting in the loss of some high value agricultural land.

Notwithstanding the above, there remains a conflict with the agricultural land policy in respect of criteria (a) to (b) and (d) to (g).

TRAFFIC & ROAD SAFETY:

ALP policy T SP1 seeks to ensure development provides safe access on to the highway network; contributes to highway improvements (where appropriate) and promotes sustainable transport. Schemes should accommodate the efficient delivery of goods and supplies; give priority to pedestrian and cycle movements, be accessed by high quality public transport facilities, create safe and secure layouts for traffic, cyclists and pedestrians and provide appropriate levels of parking. Policy T DM1 requires new development be located in easy access of established non-car transport modes/routes.

Para 114 of the NPPF states: "In assessing .. specific applications for development, it should be ensured that: (b) safe and suitable access to the site can be achieved for all users". Para 115 states: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

The application proposes to take vehicular access from the adjacent strategic development (ref P/140/16/OUT) which in turn is accessed from Pagham Road. The access road carriageway will be 6.1m wide with footway initially only on the northern side. However, the illustrative layout suggests that there would be footway on both sides before the proposed play area. The access road will cross a ditch and also intersect with Horns Lane (where dropped kerbs will be provided to allow vehicles using this route to cross). Members should note that Horns Lane is a private track and not a public footpath. In addition, two shared pedestrian/cycle accesses will be provided onto Summer Lane to the North. Further footpath accesses to the north, east and south are also shown by the illustrative plans.

The comments of WSCC Highways are set out in full on the council's website and summarised elsewhere in this report. They initially responded with a request for further information but on review of such information, they advised no objection. In addition, they later assessed the proposals in respect of the intersection with Horns Lane and raised no objection. The application proposes to install an electric fob operated gate on Horns Lane set back 6m from the northern edge of the new carriageway. In addition, a series of signs will be placed to make drivers aware not to turn onto Horns Lane/that it is a private road. Should there be any issues with the proposed gate on Horns Lane then this would be the responsibility of the landowner.

A detailed assessment of the impacts of additional traffic on existing roads and junctions has been undertaken and this found no potential for harm. A Road Safety Audit has also been carried out and this identified some issues, but these have either been resolved by the applicant or would be resolved at the detailed design stage. WSCC conclude no objection and consider that there would not be an unacceptable impact on highway safety, and no severe residual cumulative impacts on the road network.

WSSC did initially request that financial contributions be secured by s106 to create an off-road cycle route, and for sustainable transport measures in the Pagham area. However, as this site is liable for CIL, it is not possible to also secure contributions of this nature through s106. WSSC Highways have accepted this position, and it does not alter their recommendation.

As this application is in outline with all matters reserved save for access, it is not appropriate to consider parking provision. Compliance with the Arun Parking Standards SPD will instead be determined at the reserved matters stage. This would include a requirement to ensure 5% of all spaces are suitable for disabled people. It should also be noted that National Highways raise no objection and do not request any financial contribution to A27 junction improvements.

The proposal is compliant with the relevant development plan policies and guidance on highway safety within the NPPF.

HERITAGE ASSETS:

There are no heritage assets within or adjacent to the site. The closest heritage asset is the Grade II Listed "Martins Cottage and Summer Lane Cottage" at the junction of Summer Lane and Pagham Road (approx. 370m to the east), and this will not be harmed by the proposal. However, the officer reports for the adjacent P/140/16/OUT and P/25/17/OUT applications identified the potential for impacts on heritage assets in the wider area including:

- St Thomas a Becket's Church, Church Lane (Grade I Listed).
- Becket's Barn, Church Farm Holiday Village (Grade II Listed); and
- The Old Cottage, Church Lane (Grade II Listed).

These are all to the south of the site and at a distance of approx. 770m. It is noted that views of the church spire are possible from Summer Lane. However, the previous reports for the adjacent sites highlighted the presence of existing screening between the sites and the assets which serve to reduce the inter-visibility. Both of the previous reports referenced the comments of the Conservation Officer, Historic England and those expressed by a Heritage Impact Assessment and the view was taken that there would be less than substantial harm to these assets but that this harm would be outweighed by the strength of public benefits (as per NPPF para 208).

The application includes a Heritage Impact Assessment (March 2024) which concludes that the proposed residential development will not result in any harm to the character, setting or significance of any heritage assets (including but not limited to those mentioned above).

The proposed site is further north than the Church Barton (P/25/17/OUT) site (and thus further north from the Church Road assets) and the development of Church Barton and its associated landscaping will further mitigate any harm. The presence of the strategic site (P/140/16/OUT) to the east and south-east will also help to mitigate any impact.

If the applicants' position is accepted, then it would be concluded that there is no harm and no need to consider this issue any further. However, given the views expressed by the reports for the adjoining strategic developments, it is deemed best to proceed with caution and therefore the LPA's view is that the impact will be 'less than substantial harm' (and on the lower end of the scale).

This harm must then be weighed against the public benefits of the scheme. This application will make a meaningful contribution to the Council's HLS shortfall and will also deliver new affordable housing, biodiversity net gain and contribute to the local economy. These benefits are such that this harm can be outweighed and as such, there is no conflict with ALP policies HER DM1 or HER SP1 nor the guidance

in the NPPF.

ARCHAEOLOGY:

ALP Policy HER DM6 states that where a site on which development is proposed has the potential to include heritage assets with archaeological interest, permission will only be granted where it can be demonstrated that development will not be harmful to the archaeological interest of these sites. The policy requires a desk based archaeological assessment be submitted and one has been submitted. This identifies predominantly low potential for archaeological finds with the exception of Bronze Age and Roman (both low-moderate). This site is not within a designated Archaeological Notification Area and therefore the Council's Archaeologist was not consulted. On this basis no condition would be required and the application generates no conflict with policy HER DM6.

LANDSCAPE, CHARACTER & DENSITY:

ALP policies D SP1 and D DM1 require development to make the best possible use of land by reflecting or improving on the character of the site/surrounding area. Policy LAN DM1 states development should respect the particular characteristics & natural features of the relevant landscape character areas and seek, wherever possible, to reinforce or repair the character of those areas.

The Pagham Village Design Statement (PDS) is over 16 years old but remains a material consideration. The site falls in the 'Pagham Road' character area and the PDS states views over open fields are valued and should be preserved.

Section G of the Arun Design Guide (ADG) suggests a density of 5-15 for detached/semi-detached houses and 15-20 for terraced houses in rural locations. The ADG also states density should be appropriate to the location, balancing the need for efficient use of land with a design that responds to and enhances the existing character. The illustrative layout plan shows a mix of detached, semi-detached, and terraced housing. The density for this application is a maximum of 19.7 dwellings per hectare (dph) and this is within the range set by the ADG. It is material that permission is applied for up to 10 dwellings and so the Local Planning Authority (LPA) would be able to seek a lower number of dwellings at reserved matters stage should this be required following assessment against the detailed design policies.

The application is in outline and does not seek the approval of layout, external appearance, scale, or landscaping. The illustrative masterplan suggests the site layout will ensure significant buffer planting to the western boundary (where the site will adjoin open fields). Given the potential for use of the fields to the west by Brent Geese, any permission would be accompanied by a condition to require that the landscaping along the western edge to be shown at the reserved matters stage, would include triple staggered native hedging. This would reflect the Church Barton permission and serve to minimise the potential for disturbance to wildlife. The illustrative plan also suggests that the existing planting along the northern, southern, and eastern boundaries would be supplemented with new trees thus further minimising impacts on views from Summer Lane and Horns Lane (notwithstanding that the latter is not a public route).

The submitted Landscape and Visual Impact Assessment (LVIA) sets out that:

- The landscape value/capacity of the site has been tested using the same methodology/parameters as the adjacent strategic site (P/140/16/OUT).
- However, the proposed is different due to having no public access, being further away (and with development in-between) from the agricultural setting of St Thomas a Beckett Church, and the presence of mature treed boundaries.
- As such, the landscape susceptibility is determined to be 'medium', the landscape value 'low/moderate',

and the landscape sensitivity 'moderate/low'.

- The potential effects on landscape character and visual amenity are limited to very localised receptors (Furzefield Barn, Summer Lane) and do not impact upon any protected or designated landscape, cultural or ecological assets.
- From the viewpoint of receptors further away, the development will appear as an extension to the existing urban character and would not result in any standalone change to character.
- The site would be largely screened by the adjacent strategic development, and by existing/proposed trees.

Although the development will result in some visual change to the character of the western edge of this part of Pagham, this change needs to be considered relative to the significance of the landscape as well as being balanced against the need for housing in areas adjoining settlement boundaries. It is also material that the Council's Landscape Officer raises no objections subject to landscaping being secured.

Whilst there is some conflict with the relevant development plan policies, this is outweighed by material considerations including the need to meet the council's HLS shortfall. The proposal is therefore acceptable in respect of density, landscape & character. There is also conflict with the PDS, but it must be recognised that this is an old document, and the landscape has changed significantly following its preparation and adoption.

RESIDENTIAL AMENITY:

ALP policy D DM1 requires there be minimal impact to users and occupiers of nearby property and land. ALP policy QE SP1 requires development contribute positively to the quality of the environment and ensure development does not have a significantly negative impact on residential amenity. The ADG sets out guidance on garden depths and interface distances between houses.

It would be appropriate to ensure the proposed (up to) 110 homes could be achieved without giving rise to harm to existing residential properties. In this case, the nearest properties are Church Barton House (approx. 30m) and 44 Summer Lane (approx. 55m). The proposed dwellings on the adjoining strategic sites will be within 10-15m of the site boundary. However, the illustrative layout suggests buffer planting to all boundaries so the interfaces between dwellings will be capable of exceeding the council's standards (per the ADG) and thus ensure no harm to existing or permitted houses.

The crossing of Horns Lane by the access road may cause some level of inconvenience to the users of the lane (Church Barton House) but this will be very minor in frequency and duration. Subject to a more detailed consideration of privacy issues at the reserved matters stage, there is no conflict with ALP policies D DM1 or QE SP1.

AIR POLLUTION:

ALP Policy QE DM3 requires that major developments are in easy reach of established public transport services, maximise provision for cycling & pedestrian facilities, include electric car charging points and contribute towards the improvement of the highway network.

As set out elsewhere, the scheme proposes to provide links onto Summer Lane and other adjoining land suitable for pedestrians and some for cyclists. Future residents will therefore be able to walk or cycle along Summer Lane to reach facilities on Pagham Road. They will also be able to walk or cycle using the access road to reach new facilities within the adjacent strategic site. A condition will be imposed to secure the provision of details pertaining to electric vehicle charging points and cycle storage facilities. These will further promote the use of non-car means of travel/reduced vehicle emissions. In addition, the provision of high-speed broadband will allow for homeworking.

The submitted Air Quality Assessment (AQA) states that:

- Air quality within the ADC area is generally good and, air quality objective levels are met throughout the District.
- All air quality objectives will be satisfied on the site and at dwellings adjacent to the routes to the site.
- The ambient concentrations of local traffic emissions from both committed and proposed development are predicted to be less than 75% of the Air Quality Assessment Level, and the % change in concentration relative to the AQAL is calculated to be less than 1% for all roads. On this basis, the development's impact on local air quality will be negligible.
- A Travel Plan has been proposed to minimise the potential effects associated with increased air pollutant concentrations. This includes financial incentives to encourage sustainable travel.

The application also includes an odour assessment which assesses the potential for odours associated with the Pagham Wastewater Treatment Works (PWwTW). This found no evidence of odour across the site during the surveys and subsequent modelling predicted that odour concentrations across the site would be well below Southern Water's stringent threshold for potentially significant odour impacts. The Council's Environmental Health Officer states the odour assessment report is acceptable and raises no concern with the conclusion that odour impacts from the PWwTW on the proposed development site will be negligible. Southern Water raise some concerns with the potential for odour pollution from the treatment works but do not request any further information or object.

For the reason set out above, the proposal complies with the relevant development plan policies.

NOISE POLLUTION:

Policy QE DM1 states that residential development likely to experience road or rail noise must (a) be supported by a noise exposure category assessment and designed to ensure that residents will not be adversely affected by noise; and (b) consider both the likely level of exposure at the time of application and any increase that might be reasonably expected in the foreseeable future.

The application is accompanied by an Acoustic Assessment. This determined that there were no dominant noise sources at the site but that noise from Pagham Road (some 360m to the east) had the potential to affect sound levels across the site. The Assessment concludes that internal and external noise levels, in line with the criteria outlined within British Standards 8233 can be achieved using reasonable and practical design measures. In particular, the assessment states with the provision of an open window, internal ambient, and maximum sound levels will still be acceptable for residential amenity, and overheating can therefore be combatted with additional ventilation provided by the open windows along with standard ventilation measures.

The Council's Environmental Health Officer has been consulted and raised no objections. Therefore, the proposal complies with the relevant development plan policies.

CONTAMINATION:

ALP Policy QE DM4 states development will be permitted on land that is contaminated as long as remediation is provided. The submitted contamination report states that the site has been in agricultural use since the area was first mapped (1875). The report identifies potential pollutant linkages associated with the PWwTW and Furzefield Barn but that the risk of impact from these sources is very low. The Council's Environmental Health Officer raises no objection subject to a standard unexpected contamination condition. With this in place, remediation can be secured, should any contamination be discovered and thus the proposal is in accordance with the policy.

FLOODING:

ALP policy W DM2 requires that proposals in areas at risk of flooding provide a Flood Risk Assessment (FRA), meet the sequential and exceptions tests, provide sustainability benefits to the wider community, demonstrate that the development will be safe and do not increase flood risk elsewhere. Policy ECC SP1 requires that development be designed to take account of future flood risk.

The site is not affected by current or future flooding from rivers/sea and is in Flood Zone 1. However, the site is subject to some surface water flooding associated with an existing ditch that runs along the western edge of the larger field (this includes an instance of 1:30-year high risk). In addition, the council's Strategic Flood Risk Assessment (SFRA) mapping predicts that the north-eastern corner of the site will be within Flood Zone 3a by 2111.

Both the NPPF and the National planning practice guidance (NPPG) state a sequential test (ST) is required where a site is at high risk of current or future flooding from any sources. Recent case law (Mead Realisations Limited v The SoS for DLUHC & Anor, (2024) EWHC 279 (Admin)) determined that the NPPG has the same legal status as the NPPF so it should be treated as policy and not just guidance.

The NPPG and supporting technical guidance on sequential assessment state that a ST may not be required if no houses are placed in the area affected by flood risk. This approach has been taken before both by ADC and on appeal. The applicant has provided a parameter plan which shows no dwellings will be included in the area at risk of future flooding. This parameter plan will be made subject to a condition and therefore, there is no need for a ST and future flood risk is no longer an issue.

The surface water flood risk is entirely within an existing ditch network which drains to the North. It would not be appropriate to require a sequential assessment solely for the reason that an existing ditch is shown to hold water. The application scheme will see this ditch removed but, in its place, there will be a new drainage system which will drain both the new development and ensure existing surrounding land continues to be drained.

No ST is required, and that the proposal is in accordance with the relevant development plan policies and planning guidance insofar as they relate to flooding.

SURFACE WATER DRAINAGE:

ALP policy W DM3 states all development must identify opportunities to incorporate a range of Sustainable Urban Drainage Systems (SuDS) as appropriate to the size of development. The proposed surface water drainage strategy is to discharge surface water at a restricted (greenfield runoff) rate to existing off-site ditches on the eastern and northern boundaries. Water will also need to be attenuated (stored) on the site in swales and ponds to ensure that a 1:100 plus 40% climate change event is contained.

During the course of the application, WSCC Drainage requested additional information but following receipt of this, they responded (on application P/15/24/OUT) to state no objection subject to conditions. WSCC Drainage have been requested to provide their updated comments with specific regard to this application and any response will be reported to the committee by a report update. However, given the two applications are the same aside from ten dwellings, the LPA are satisfied that the objection no longer applies to this application. On this basis, there is no conflict with the relevant policies.

FOUL DRAINAGE:

ALP policy W DM1 states that there must either be adequate drainage capacity or that it can be provided prior to the occupation of the development. The submission states that a connection be made to the sewer constructed by Foreman Homes on the adjacent site. This should not require any significant upgrading. However, should any be required then this can be agreed with Foreman Homes.

Southern Water have raised no objection. They have undertaken a desktop study of the impact that the additional foul sewerage flows from the development will have on the existing public sewer network, and this indicates additional flows may lead to an increased risk of foul flooding from the sewer network, but any network reinforcement deemed necessary will be provided by Southern Water. A residential developer has a right to connect to the existing sewerage system with any offsite network improvements undertaken by Southern Water using revenue they collect by their Infrastructure Charging Scheme.

A request was put to Southern Water for details of what specific network upgrade works would be required. However, they are unable to provide this information at the current time as they do not commence investigations or work until a planning permission has been granted. They state, "As you will appreciate, we have a number of developments to design infrastructure for and we do not commence this process until planning permission has been granted, so we avoid expending resources unnecessarily as many developments do not gain planning permission and to expend resource in such circumstances is not a justifiable use of customer money."

As discussed below in respect of the Pagham Harbour Special Protection Area (SPA), a condition is recommended to ensure that additional units can only be connected to the foul network where Southern Water have the capacity to ensure no significant impacts on the SPA.

There is no conflict with ALP policy W DM1.

PAGHAM HARBOUR SPECIAL PROTECTION AREA (SPA):

ALP policy ENV DM2 requires that new development likely to have an impact on Pagham Harbour which is in a 400m to 5km distance ('Zone B') of Pagham Harbour should make a financial contribution towards the provision of accessible natural open green spaces to serve the area. The application site lies within Zone B but is within approximately 90m of the Zone A boundary at the closest point.

Arun District Council are required by the Conservation of Habitats and Species Regulations 2017 (as amended) to carry out a Habitat Regulations Assessment (HRA) of all proposals in respect of the impact of increased recreational disturbance SPA (and associated Ramsar Site). The applicant provided a "Shadow Habitats Regulation Assessment" (sHRA) which has been used to assist in the Council's HRA. This HRA identifies the following four potential impacts:

(1) Visitor Impacts on Pagham Harbour - this will be predominantly mitigated by a contribution of £950 per dwelling towards the Pagham Joint Scheme of Mitigation (to be secured by a legal agreement). The applicant has agreed to the inclusion of this contribution in the s106 agreement. This mitigation scheme provides for:

- Provision of 1.5FTE Visitor Experience officer post at RSPB Pagham.
- Provision of general 'Dog Initiatives' - a broad range of measures (jointly with Bird Aware Solent) to encourage responsible dog ownership at the coast and visits to alternative dog-friendly sites.
- Independent monitoring surveys (every two or three years).

The payment of the contribution demonstrates compliance with ALP policy ENV DM2. In addition, the scheme provides new on-site open space available for informal recreation, and circular pedestrian footpaths. It is also material that the open space shown on the illustrative plan represents an increase of

around 8,004m² compared to the policy requirements. The site is also only a short distance from the new Summer Lane recreation ground which has a specific dog exercise area (although this has not yet opened to the public).

(2) Hydrological impacts (foul drainage) - this will be mitigated by a suitably worded planning condition to ensure that the additional units can only be connected to the foul network leading to the PWwTW) where Southern Water have the capacity to ensure no significant impacts on the European Sites from overloading of the scheme at Paghaw WwTW, and will provide committed avoidance/mitigation to ensure that the increase in units does not have an adverse impact on the integrity of the European Sites.

(3) Loss of Functionally Linked Habitat - no mitigation other than on-site landscaping is required for this impact due to the following reasons:

- The areas of the two parts of the site individually fall below the preferred field size for Brent Geese (noting that the two areas are physically separate). It is widely known that Brent Geese have a preference for larger fields.
- The site is constrained by ditches & vegetated field margins including lines of tall Poplar trees (thus reducing openness).
- The site has roads/paths along two of its edges thus giving rise to potential human disturbance of any birds using the field.
- That there is a significant amount of remaining agricultural land (including arable land) present in the wider landscape.

It is also noted that ADC's HRA for the adjoining site to the south (Church Barton House, P/25/17/OUT) which is only marginally smaller in site area determined that Dark-bellied Brent Geese would be unlikely to use land within or adjacent to the application site to the extent that it could be considered to be regularly used functionally linked habitat for Brent Geese.

(4) Disturbance of Functionally Linked (Adjacent) Habitat - the potential for impacts from disturbance on the fields to the west will be mitigated through landscaping to comprise of large dense (minimum triple staggered) buffer planting. This would be secured by a suitable condition. Planting should include thick and thorny native species (and potentially stock-proof fencing) to deter loose dogs from accessing adjacent land, along with additional tree planting to create height to lower potential visual disturbance of populations nearby. In addition, the on-site open spaces and all-weather footpaths will encourage residents to remain on the site and avoid adjacent land.

The Council's HRA concludes that the planning application, together with the proposed mitigation and avoidance measures, in combination with other nearby plans/projects, will not have a Likely Significant Effect on the Integrity of the European protected site. A copy of this HRA is on the Council's website.

The HRA was issued to Natural England for their review, and they responded initially with a standard "no objection" response. This was queried and Natural England responded to state whilst they will continue to provide strategic level advice to ADC and support to the Solent Waders and Brent Geese Strategy to ensure that the decision making on all planning applications is as robust as possible, they are now limiting their application specific comments to high risk/high reward cases.

On the basis that Natural England will not be making any specific comments on the council's HRA, it has to be concluded that the Council's stated position is appropriate and therefore, there is no policy conflict.

BIODIVERSITY & BIODIVERSITY NET GAIN (BNG):

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

protect habitats on site. The application is accompanied by an Ecological Assessment, a separate written response to the council's Ecologist comments, a BNG Metric and a "BNG Statement and Draft Management Plan".

The site was surveyed using extended Phase 1 survey methodology as recommended by Natural England. Specific surveys/assessments were then carried out in respect of bats, Badgers, birds, reptiles, Otters, Water Voles, and Great Crested Newts. The Ecological Assessment concludes the majority of the site is of limited ecological value due to it largely comprising arable land. Of greater value are the ditches, tree lines and field margins but none of these are of high value.

The Ecological Assessment states the site offers areas of habitat which support foraging and nesting opportunities for birds, that a very small population of Common Lizard were recorded in the field vegetation and that boundary trees offer foraging and navigational resources for bats. The Ecological Assessment recommends appropriate mitigation and enhancement measures to avoid any adverse impacts on any protected species and deliver enhancements over the current situation. The BNG proposals will secure a gain of 4.92 habitat units thus representing an increase of 42.2% from pre- to post-development.

The Council's Ecologist has comprehensively assessed the proposals and states no objection subject to mitigation and enhancement measures being secured. Subject to this there would be no conflict with policy.

TREES:

ALP policy ENV DM4 states trees protected by TPO, those forming Ancient Woodland, in a Conservation Area or that otherwise contribute to local amenity should not be damaged or felled unless the benefits of the development outweigh the loss.

The application states that it is only necessary to remove one group of low-quality scrub category C trees (Willow & Blackthorn) to facilitate the proposals and that all proposed construction is situated outside the functional/root protection area of the retained trees. The tree removals are on the eastern boundary and their loss would allow for part of the proposed circular path. This removal would be more than compensated for by new planting. A Landscaping condition will be imposed, and this will require that two trees are planted for each one lost and that new species are native.

The Council's Tree Officer has not responded but the trees to be removed are low quality and not suitable for retention. The input of the Tree Officer would be more useful at the reserved matters stage when it will be necessary to assess the relationship of new built development to retained trees. There is no conflict with the relevant policy.

CLIMATE CHANGE:

ALP policy ECC SP2 requires new residential and commercial development be energy efficient and incorporate decentralised, renewable, and low carbon energy supply systems. ECC SP1 requires that new development be designed to adapt to impacts arising from climate change and that all major developments must produce 10% of total predicted energy requirements from renewables unless unviable. Conditions can be imposed to ensure that the policy requirements are incorporated into the reserved matters application and the final build. This will ensure compliance with the relevant policies.

AFFORDABLE HOUSING:

Developments over 11 residential units require a minimum provision of 30% affordable housing on site

as per ALP policy AH SP2. The council's interim affordable housing policy also sets out the need to secure first homes as part of the affordable housing mix. The council's Affordable Housing Manager advised that the required affordable housing provision for 110 homes is 33 dwellings and that the mix should comprise of 67% affordable rented, 25% First Homes & 8% Intermediate. This will be secured by a s106 legal agreement, and this will ensure compliance with the policy.

PUBLIC OPEN SPACE & PLAY:

ALP policy OSR DM1 states housing developments must provide sufficient public open space, playing pitch provision and indoor sport & leisure provision. The Council's SPD "Open Space, Playing Pitches, Indoor and Built Sports Facilities" (January 2020) sets out a requirement (based on 120 homes) for 9,075m² of Public Open Space (POS) including 1,331m² of play provision comprising of a mix of on-site Local Areas of Play (LAP) and Local Equipped Area of Play (LEAP). The illustrative layout demonstrates an excess of 8,004m² POS against the ALP requirement with the total provision being circa 17,079m².

The on-site POS & play will be secured at the reserved matters stage with the associated management arrangements being secured through discharge of conditions. As it is not possible to secure any off-site contributions through a s106 Agreement due to CIL, contributions to other sport/recreation/fitness provision would instead need to be funded by CIL. On the basis that on-site POS and play would be secured by the reserved matters permission, there would be no conflict with ALP policy OSR DM1.

OTHER DEVELOPER CONTRIBUTIONS:

ALP policy INF SP1 requires proposals provide or contribute towards the infrastructure & services needed to support development to meet the needs of future occupiers and existing community. This development would be liable for CIL and infrastructure providers such as WSCC and the NHS would be able to bid for a portion of the CIL payments collected to spend on their own projects. The Parish Council will also be provided with a percentage of the CIL receipts (15%) for their own purposes. These payments go towards providing the infrastructure that the district needs to support existing and future development.

Objectors are concerned that there is insufficient infrastructure to support new housing. There can be no conflict with policy INF SP1 if the development provides a CIL contribution. It is then the responsibility of external bodies to implement the necessary infrastructure.

Where CIL is applicable, it is only possible to use s106 agreements to require affordable housing and on-site mitigation and the latter is generally restricted to items in the red edge. However, notwithstanding, it remains possible to use s106 for targeted contributions. Normally, s106 could also be used for a contribution to the strategic road network but in this case, National Highways have not requested such a contribution.

The request for a contribution from WSCC for an education transport contribution can be secured by the s106. This meets the CIL tests (Regulation 122 of the Community Infrastructure Levy Regulations 2010, as amended) and the applicant has not raised any objection to this being included in the s106 agreement.

The Local Planning Authority agrees with the principle of WSCC's request for a financial contribution to secondary school transport in the interim until such time as the new School is delivered. However, the exact methodology for calculating the contribution is currently being reviewed by ADC and WSCC. A contribution will be secured, and this will ensure compliance with ALP policy INF SP1, but the amount of the contribution cannot be confirmed at the present time and the exact calculation to be used will be determined following the committee meeting and through the s106 drafting process.

SUMMARY:

There is conflict with the ALP in terms of development in the countryside, and in a strategic gap, and the loss of agricultural land. However, due to the council's HLS shortfall, the presumption in favour of sustainable development is engaged.

This states where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date (including for applications involving the provision of housing where a 5-year HLS cannot be demonstrated), planning permission should be granted unless (i) the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or (ii) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

Although, part of the site is subject to future flood risk and the proposal is within close proximity to the Pagham Harbour SPA, part (i) does not apply as the policies relevant to these two issues do not provide a clear reason for refusing the development.

The site is sustainable, and the scheme will result in significant benefits to the local and wider area such as new housing (including affordable housing), the creation/retention of construction jobs, additional council tax revenue, spending by future residents on local shops/services, infrastructure improvements across the district and biodiversity enhancements.

Members should note that the weight to be applied to the contribution of housing development to the HLS was discussed in a relatively recent appeal concerning a site elsewhere in Pagham (P/178/21/OUT). The appellants presented an analysis of recent appeal decisions. The evidence suggested more than 30 dwellings should be considered substantial/significant and even smaller developments should weigh heavily in favour. The appeal proposal was for 106 new homes and the Inspector afforded this significant weight.

Therefore, it would be appropriate in this case to allocate substantial/significant weight to the contribution to the housing shortfall. In addition, in that same appeal, the Inspector afforded significant weight to the delivery of affordable housing and moderate weight to the economic benefits and biodiversity net gain. Development in the countryside/in a strategic gap is contrary to policy but such a refusal reason would not be sustainable unless there was associated harm, and this report finds none. The loss of the agricultural land is unfortunate, but the relevant policy allows for development of such land where there is a clear need.

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

RECOMMENDATION:

The recommendation is for the Planning Committee to delegate to the Group Head of Planning in consultation with the Chair or Vice Chair with authority to:

- (a) Grant full planning permission subject to conditions; and
- (b) Subject to a Section 106 Agreement, the terms of which are substantially in accordance with those set out in this report with any minor amendments including the secondary school transport contribution methodology authorised by the Group Head of Planning.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

SECTION 106 DETAILS

This decision will be subject to a s106 legal agreement to secure the following obligations:

- (1) The provision of 30% affordable dwellings (consisting of 67% affordable rented, 25% First Homes & 8% Intermediate).
- (2) A contribution of £950 per dwelling towards the agreed Pagham Harbour Strategic Access Management and Monitoring Strategy.
- (3) A Secondary School Transport Contribution.
- (4) A Travel Plan monitoring fee of £3,815 (index linked).
- (5) On-site BNG and future management/monitoring.
- (6) ADC's standard monitoring fee of £1500; and
- (7) WSCC's standard monitoring fees (to be determined by WSCC during the drafting).

CIL DETAILS

This is not currently liable for CIL due to being at outline stage. Instead CIL will be calculated on the reserved matters application.

RECOMMENDATION

APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT

- 1 The permission hereby granted is an outline permission under s92 of the Town and Country Planning Act 1990 (as amended) and an application for the approval of the Local Planning

Authority to the following matters must be made not later than the expiration of 2 years beginning with the date of this permission:

1. Layout.
2. Scale.
3. Appearance.
4. Landscaping.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be begun either before the expiration of 4 years from the date of this permission, or before expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

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

1. Location Plan - Red Line Boundary Dwg 01 Rev 01.
2. Proposed Access Arrangement Dwg 04.
3. Summer Lane Pedestrian/Cycle Access Dwg 05.
4. Proposed Pedestrian/Cycle Access with Summer Lane (North) Dwg 06.
5. Proposed Access Arrangements with Horns Lane Dwg 18 Rev B; and
6. SFRA Parameter Plan Dwg 2051 DLA XXX DR L 45 Rev 01.

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

- 4 The approved development shall achieve a minimum of 10% energy supply generation from the use of decentralised, renewable or low carbon energy sources (as described in the glossary at Annex 2 of the NPPF). Any physical features that are required as part of the works must be installed prior to the occupation of each dwelling and shall be thereafter permanently maintained in good working condition.

Reason: In order to secure the generation of on-site energy use to meet the predicted energy demand in accordance with Arun Local Plan policy ECC SP2 and the NPPF.

- 5 With the exception of bird/bat boxes, and insect boxes/hotels as covered by separate conditions, all mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Assessment (Ecology Solutions, February 2024) as submitted with the planning application and agreed in principle with the local planning authority prior to determination. This may include the appointment of an appropriately competent person e.g., an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall supervise all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve and enhance protected and Priority species in accordance with policy ENV DM5 of the Arun Local Plan and 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 Natural Environment and Rural Communities Act 2006 (Priority habitats & species).

6 The landscape and layout details to be submitted pursuant to condition 1 shall include the following items:

1. Details of all existing trees and hedgerows on the land indicating which are to be retained and which are to be removed. These required details are to include a 'Tree Survey Schedule', a 'Root Protection Area (RPA) Schedule', a 'Tree Constraints Plan', and in the event that a root protection area of any tree which is proposed for retention overlaps the development, then an 'Arboricultural Method Statement' and a 'Tree Protection Plan'. Development shall be carried out in accordance with the approved details. No hedge or tree shall be felled, uprooted, or otherwise removed before, during or after the construction period except where removal is indicated on a plan approved by the Local Planning Authority.

2. Full landscaping details including the use of native trees and compensatory planting on the basis of 2 trees/hedge units for every 1 lost.

3. The use of triple staggered native hedging along the open western site boundary to reflect the landscaping approved on the adjacent Church Barton reserved matters scheme.

4. A greater amount of Public Open Space than is policy compliant to ensure sufficient on-site mitigation to deter new residents accessing the Pagham Harbour SPA via footpaths in the area.

5. Details of the position, design, materials, height, and type of all boundary treatments to be provided. The boundary treatments shall be provided to each dwelling before the dwelling is occupied or in accordance with the approved phasing plan. Gaps shall be included at the bottom of the fences to allow movement of small mammals across the site. Development shall be carried out in accordance with the approved details and permanently retained in a useable condition thereafter.

6. Full details of all new external lighting (including type of light appliance, the height and position of fitting, predicted illumination levels and light spillage). This submission should also cover new streetlighting if required. 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) but also be designed to be sensitive to bats. The scheme shall include a bat friendly Lighting Plan. The recommended lighting specification shall use LED's (at 3 lux) with the recommended spectrum being 80% amber and 20% white with a clear view, no UV, a horizontal light spread of less than 70 degrees and a timer. A 3D plan of the illumination level should be supplied so that the Local Planning Authority can assess the potential impact on protected species.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: In the interest of visual amenity, the quality of the environment, the site biodiversity, the interests of minimising crime and to minimise unnecessary light spillage outside the development site in accordance with policies D DM1, QE SP1, QE DM2, ENV DM2, ENV DM4 and ENV DM5 of the Arun Local Plan and the NPPF.

7 The layout, scale, and appearance details to be submitted pursuant to condition 1 shall include the following items:

1. A scheme for the provision of facilities to enable the charging of electric vehicles in accordance with the Arun Parking Standards SPD to serve the approved dwellings. This requires that where a dwelling has a driveway or garage then one of those parking spaces shall be provided with a charging point, with electric ducting provided to all other spaces where appropriate to provide passive provision for these spaces to be upgraded in future. The individual charge points shall be in accordance with the technical requirements set out in Part S, section 6.2 of the Building Regulations applicable at the time (or any subsequent guidance). The electric vehicle charge points shall thereafter be retained and maintained in good working condition.

2. A detailed level survey of the site including existing and resulting ground levels and the slab levels of the buildings the subject of this approval.

3. 5% of all parking provided as suitable for disabled persons. This must include a percentage of the proposed visitor parking spaces.

4. Full details of cycle storage including elevations where such is provided in separate buildings; and

5. A colour schedule of the materials and finishes to be used for the external walls and roofs of the proposed buildings.

Reasons: In the interests of visual amenity, road safety, the needs of the disabled, to mitigate against any potential adverse impact of the development on local air quality and as new petrol, diesel and hybrid cars/vans will not be sold beyond 2030 all in accordance with policies T SP1, D DM1, QE SP1, QE DM3 of the Arun Local Plan, the Arun Parking Standards SPD and the NPPF.

8 The layout and landscape details to be submitted pursuant to condition 1 shall include full details of the required public open space (POS) and play areas to include details of proposed management arrangements. The POS and play areas shall thereafter be implemented in accordance with the provision as agreed prior to occupation of the 61st dwelling and permanently retained thereafter. The approved management details shall be permanently adhered to.

Reason: To ensure that the POS and Play provision is provided and that a management regime is established in accordance with policy OSR DM1 of the Arun Local Plan.

9 Detailed plans and particulars of the Reserved Matters submitted to the Local Planning Authority for approval pursuant to condition 1 shall ensure that the scheme makes provision for accommodation to meet the Building Regulations Standards M4(2) and M4(3) in accordance with the Council's guidance note "Accommodation for Older People and People with Disabilities Guidance".

Reason: To ensure that part of the development allows for residents to remain in their own homes over the course of their lifetime in accordance with Arun Local Plan policies D DM1 and D DM2 and section 4 of the Council's guidance Note "Accommodation for Older People and People with Disabilities Guidance".

10 The layout, scale and appearance details referred to in Condition 1 shall include details of any temporary sales areas that may be required during the construction and marketing of the development. Such details shall include any temporary buildings or temporary changes to buildings and any temporary change to the development layout. The approved details shall be

for a temporary period only ending on or before the date that the last dwelling on the site has been sold. The buildings or area shall be returned to their approved permanent appearance within 3 months of the date of the last building sold.

Reason: In the interest of visual & residential amenity and the character/appearance of the surrounding area in accordance with policies D DM1 and QE SP1 of the Arun Local Plan.

11 As part of the submission of each Reserved Matters application for the development hereby permitted, details of a scheme for the disposing of surface water by a means of sustainable drainage system shall be submitted to and approved in writing by the Local Planning Authority in accordance with the approved drainage strategy and discharge rates (2.86 l/s for the 1 in 1 year event and 9.06 l/s for the 1 in 100 plus climate change event) as contained within section 5.3 of the Drainage Strategy (prepared by Ridge, dated June 2024, Rev. P05). The scheme shall be implemented in full in accordance with the approved details prior to first use of the development. The submitted details shall:

1. Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharge from the site via a proposed Sustainable drainage system which utilises source control features prior to site control features and the measures taken to prevent pollution of the receiving surface waters.

2. Demonstrate that the proposed surface water drainage system does not surcharge in the 1 in 1 critical storm duration, flood in the 1 in 30 plus climate change critical storm duration or the 1 in 100 critical storm duration.

3. Demonstrate that any flooding that occurs when taking into account climate change for the 1 in 100 critical storm event in accordance with NPPF does not leave the site uncontrolled via overland flow routes, safe, and does not impact any of proposed built development.

4. Provide an exceedance plan for any storm event that exceeds the design standards of the surface water drainage SuDS system to ensure no built development is impacted.

Reason: To ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with the NPPF and Arun Local Plan policies W DM2 and W DM3.

12 Prior to the commencement of development of each phase for the development hereby permitted, construction drawings of the surface water drainage network, associated sustainable drainage components, flow control mechanisms and a construction method statement have been submitted to and approved in writing by the Local Planning Authority. The scheme shall then be constructed in accordance with the approved drawings, method statement and Micro drainage calculations prior to the first occupation of the development hereby approved. No alteration to the approved drainage scheme shall occur without prior written approval of the Local Planning Authority.

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

13 No development, including preparatory works, shall commence until details and method statement of measures indicating how additional surface water run-off from the site will be avoided during the construction works have been submitted to and approved in writing by the Local Planning Authority. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. This should include the maintenance proposals

during construction. The site works and construction phases shall thereafter be carried out in accordance with approved method statement, and the approved measures and systems shall be brought into operation before any works to create buildings or hard surfaces commence for the relevant phase.

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.

- 14 Before the development hereby permitted is commenced, details of the 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, if appropriate).

Occupation of the development shall be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that waste water network capacity is available to adequately drain the development and no dwelling shall be occupied until works for the disposal of sewage have been fully implemented in accordance with the approved details of any phase or sub-phase.

Reason: To ensure adequate infrastructure is provided to enable the scheme to be satisfactorily drained and avoids adverse impacts upon the Pagham Harbour SPA/Ramsar in accordance with policies D DM1, W DM1, W SP1, and ENV DM2 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition as the foul drainage system goes to the heart of the planning permission.

- 15 No development authorised by this permission shall commence unless and until full details (including appropriate drawings) of how the new access road will cross the existing ditch on the eastern boundary have been submitted to and approved in writing by the Local Planning Authority. The access road crossing shall be built in accordance with the approved scheme and permanently retained so thereafter.

Reason: The access road is shown to cross over an existing ditch which is wet at certain times of the year but no details have been submitted as to the form of the crossing. This condition is in accordance with Arun Local Plan policies D DM1 and T SP1 and must be a pre-commencement condition because it is required to access the site.

- 16 No development shall take place, (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), until a Construction & Environmental Management Plan and accompanying Site Setup Plan has been submitted to and approved in writing by the Local Planning Authority (who shall consult with National Highways, WSCC Highways, and the council's Environmental Health Officer as appropriate). Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. This shall require the applicant and contractors to minimise disturbance during demolition and construction and will include (but not be limited to) details of the following information for approval:

1. The phased programme of construction works.
2. The anticipated, number, frequency, types, and timing of vehicles used during construction (construction vehicles should avoid the strategic road network during the peak hours of 0800-0900 and 1700-1800 where practicable).
3. The preferred road routing for all construction traffic associated with the development.
4. Provision of wheel washing facilities (details of their operation & location) and other works

required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulations Orders).

5. Details of street sweeping.
6. Details of a means of suppressing dust & dirt arising from the development.
7. A scheme for recycling/disposing of waste resulting from demolition and construction works (i.e., no burning permitted).
8. Details of all proposed external lighting to be used during construction (including location, height, type & direction of light sources and intensity of illumination).
9. Details of areas for the loading, unloading, parking, and turning of vehicles associated with the construction of the development.
10. Details of areas to be used for the storage of plant and materials associated with the development.
11. Details of the temporary construction site enclosure to be used throughout the course of construction (including access gates, decorative displays & facilities for public viewing, where appropriate).
12. Contact details for the site contractor, site foreman and CDM co-ordinator (including out-of-hours contact details).
13. Details of the arrangements for public engagement/consultation both prior to and continued liaison during the construction works.
14. Details of any temporary traffic management that may be required to facilitate the development including chapter 8 traffic signage.
15. 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).
16. Details of pest control.

Details of how measures will be put in place to address any environmental problems arising from any of the above shall be provided. A named person shall be appointed by the applicant to deal with complaints, shall be available on site and their availability made known to all relevant parties.

No demolition/construction activities 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 the safety/amenity of nearby residents & occupiers of any nearby noise sensitive premises, the safety & general amenities of the area, and in the interests of highway safety in accordance with policies D DM1, QE SP1, QE DM1, QE DM2, QE DM3 and T SP1 of the Arun Local Plan and the NPPF. 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.

- 17 Development shall not commence, until a Soil Resource Plan has been submitted to and approved in writing by the Local Planning Authority. This shall set out how the best and most versatile soils on the site are to be protected during construction and then recycled/reused in the new development layout. The soil protection/mitigation measures shall be implemented as per the document and then permanently adhered to throughout the construction and development of the site.

Reason: In accordance with Arun Local Plan policy SO DM1 and the NPPF. It is necessary for this to be a pre-commencement condition to protect the best and most versatile soils on the site prior to the construction commencing.

- 18 Prior to commencement of development the applicant shall prepare and submit for approval in writing, an Employment and Skills Plan. Following approval of the Employment and Skills Plan the developer will implement and promote the objectives of the approved plan.

Reason: In accordance with Arun Local Plan policy SKILLS SP1. This must be a pre-commencement condition as it relates to the construction phase of development and to ensure measures are in place so that local crafts people and apprentices are employed on the development.

- 19 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 applicant/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.

- 20 Details of bat tubes, bricks or boxes shall be submitted to and approved in writing by the Local Planning Authority prior to any development above damp-proof course (DPC) level.

No less than 55 bat tubes or bricks shall be provided, and the details shall include the exact location, specification, and design of the habitats. The bat tubes, bricks or boxes shall be installed with the development prior to the first occupation of the building/s to which they form part or the first use of the space in which they are contained.

The bat tubes, bricks or boxes shall be installed strictly in accordance with the details so approved and shall be permanently maintained in good working condition thereafter.

Reason: To ensure the development provides the maximum possible provision towards the creation of habitats and valuable areas for biodiversity in accordance with Arun Local Plan policies ENV SP1 and ENV DM5.

- 21 Details of Bee bricks and/or invertebrate hotels shall be submitted to and approved in writing by the Local Planning Authority prior to any development above damp-proof course (DPC) level.

No less than 16 bee bricks in sunny locations and 16 invertebrate hotels shall be provided, and the details shall include the exact location, specification, and design of the habitats. Bee bricks and/or invertebrate hotels shall be installed with the development prior to the first occupation of the buildings to which they form part or the first use of the space in which they are contained.

The Bee bricks and/or invertebrate hotels shall be installed strictly in accordance with the

details so approved and shall be permanently maintained in good working condition as such thereafter.

Reason: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity in accordance with Arun Local Plan policies ENV SP1 and ENV DM5.

- 22 Details of integral nesting bricks shall be submitted to and approved in writing by the Local Planning Authority prior to any development above damp-proof course (DPC) level.

No less than 55 integral universal nesting bricks shall be provided, and the details shall include the exact location, specification, and design of the bricks. The bricks shall be installed within the development prior to the first occupation of the building/s to which they form part or the first use of the space in which they are contained.

The nesting bricks shall be installed strictly in accordance with the details so approved and shall be permanently maintained in good working condition as such thereafter.

Reason: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity in accordance with Arun Local Plan policies ENV SP1 and ENV DM5.

- 23 No part of the development shall be first occupied until such time as the access serving the adjacent development to the east, and the access included as part of this development (which it is shown to connect to) - including foot and cycle links to Summer Lane - have been constructed in accordance with the details shown on the approved drawings, including the recommendations contained in the associated Road Safety Audits.

Reason: In the interests of road safety and in accordance with policy T SP1 of the Arun Local Plan.

- 24 No dwelling shall be first occupied until the car parking serving the respective dwelling has been constructed in accordance with plans and details approved by the reserved matters permission. Once provided the spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use and in accordance with Arun Local Plan policies T SP1 and T DM1.

- 25 No part of the development shall be first occupied until the road(s), footways, and casual parking areas serving the development have been constructed, surfaced, and drained in accordance with the plans and details as approved by the reserved matters permission and the discharge of relevant drainage conditions.

Reason: To secure satisfactory standards of access for the proposed development and in accordance with Arun Local Plan policy T SP1.

- 26 Upon the first occupation of each dwelling, the Applicant shall implement the measures incorporated within the approved Residential Travel Plan (ref 23106/TP/02/A, June 2024). The Applicant shall thereafter monitor, report and subsequently revise the travel plan as specified within the approved document.

Reason: To encourage and promote sustainable transport and in accordance with policies T SP1 and T DM1 of the Arun Local Plan.

- 27 Prior to the occupation of any part of the development, the applicant or developer shall ensure

that infrastructure is implemented to allow for the provision of the highest available headline speed of broadband provision to future occupants of all of the development from a site-wide network provided as part of the initial highway works and in the construction of frontage thresholds to buildings that abut the highway. Unless evidence is put forward and agreed in writing by the Local Planning Authority that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure, the development of the site will continue in accordance with the approved strategy.

Reason: To safeguard the amenities of future residents in accordance with Arun Local Plan policy TEL SP1.

- 28 Prior to first use of each phase of the development a detailed verification report, (appended with substantiating evidence demonstrating the approved construction details and specifications have been implemented in accordance with the surface water drainage scheme), has been submitted to and approved (in writing) by the Local Planning Authority. The verification report shall include photographs of excavations and soil profiles/horizons, any installation of any surface water structure and Control mechanism.

Reason: To ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with the NPPF and Arun Local Plan policies W DM2 and W DM3.

- 29 Details for the long-term maintenance arrangements for the surface water drainage system (including all SuDS features) to be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any building. The submitted details should identify runoff sub-catchments, SuDS components, control structures, flow routes and outfalls. In addition, the plan must clarify the access that is required to each surface water management component for maintenance purposes. The maintenance plan shall be carried out in full thereafter.

Reason: To ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with the NPPF and Arun Local Plan policies W DM2 and W DM3.

- 30 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.

- 31 The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition (the biodiversity gain condition) that development may not begin unless:
1. A Biodiversity Gain Plan has been submitted to the planning authority, and
 2. The planning authority has approved the plan.

This permission will require the submission and approval of a Biodiversity Gain Plan before development is begun.

For guidance on the contents of the Biodiversity Gain Plan that must be submitted and agreed by the Council prior to the commencement of the consented development please see the link: <https://www.gov.uk/guidance/submit-a-biodiversity-gain-plan>

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 (as amended).

- 32 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 33 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to:
- (1) The provision of 30% affordable dwellings (consisting of 67% affordable rented, 25% First Homes & 8% Intermediate).
 - (2) A contribution of £950 per dwelling towards the agreed Pagham Harbour Strategic Access Management and Monitoring Strategy.
 - (3) A Secondary School Transport Contribution.
 - (4) A Travel Plan monitoring fee of £3,815 (index linked).
 - (5) On-site BNG and future management/monitoring.
 - (6) ADC's standard monitoring fee of £1500; and
 - (7) WSCC's standard monitoring fees (to be determined by WSCC during the drafting).
- 34 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read the New Connections Services Charging Arrangements documents via <https://beta.southernwater.co.uk/infrastructurecharges>.
- 35 INFORMATIVE: Where the reserved matters submission is not made within 12 months from the date of the decision being issued, further supplementary ecological surveys for bats, wintering birds, badger and reptiles must be undertaken and submitted with the reserved matters application. The supplementary surveys shall be of an appropriate type for this species and survey methods shall follow national good practice guidelines.
- 36 INFORMATIVE: Following approval of details showing the proposed location of all fire hydrant(s) or stored water supply (in accordance with West Sussex Fire and Rescue Service's Guidance Notes) and prior to the first occupation of any dwelling you are advised to contact West Sussex Fire and Rescue Service (WSFRS) make them aware of all the fire hydrants for the site and their locations. They can then be operated and tested, their location marked up locally and plotted on the water management system and mapping. This information is then available to all fire crews attending the site, essential for locating the nearest fire hydrants available in the vicinity of a fire without delay.

Without this information WSFRS would not be aware of any fire hydrants available on the site

and lead to valuable time being spent looking for a water supply to keep the fire appliance supplied with water. Without a supply of water people's lives and properties could be put at undue risk in the event of a fire. Fire hydrant information is to be sent to either the Planning Officer or directly to the Water and Access Department, WSFRS on the details given below: Frs.waterandaccess@westsussex.gov.uk

37 INFORMATIVE: Please note the advice from WSCC Public Rights of Way:

"The granting of planning permission does not authorise obstruction of, interference to or moving of any Public Right of Way (PROW); this can only be done with the prior consent of West Sussex County Council (WSCC), as highway authority, and possibly also a legal Order process by Arun District Council as the local planning authority. Further advice can be provided on request.

Safe and convenient public access is to be available at all times across the full width of the PROW, which may be wider than the available and used route - advice on the legal width can be provided by the WSCC PROW Team.

The path is not to be obstructed by vehicles, plant, scaffolding or the temporary storage of materials and / or chemicals during any works. These will constitute an offence of obstruction under the Highways Act 1980.

No new structures, such as gates and stiles, are to be installed within the width of the PROW without the prior consent of the WSCC PROW Team. These will constitute an offence of obstruction under the Highways Act 1980.

Any down pipes or soakaways associated with the development should discharge into an existing or new drainage system and away from the surface of the PROW. No drainage system is to be installed through the surface of the path without the prior consent of the WSCC PROW Team.

Where the ground levels adjacent to the PROW are to be raised above existing ground levels, this could increase the potential to flood the path. A suitable drainage system must be installed adjacent to the path to a specification agreed with the WSCC PROW Team prior to development commencing.

Any alteration to or replacement of the existing boundary with the PROW, or the erection of new fence lines, must be done in consultation with the WSCC PROW Team to ensure the legal width of the path is not reduced and there is no unlawful encroachment.

Access along a PROW by contractors' vehicles, deliveries or plant is only lawful if the applicant can prove it has a vehicular right; without this an offence under the Road Traffic Act 1988 section 34(1) is being committed.

It is an offence to damage the surface of a PROW without the prior consent of the WSCC PROW Team. The applicant must supply a specification and secure the approval of the WSCC PROW Team before works affecting the PROW begin, even if the surface is to be improved. Where a PROW surface is damaged and there was no prior consent, the applicant will be liable and required to make good the surface to a standard satisfactory to the WSCC PROW Team.

Where it is necessary to undertake works within the legal width of a PROW, e.g. install utilities,

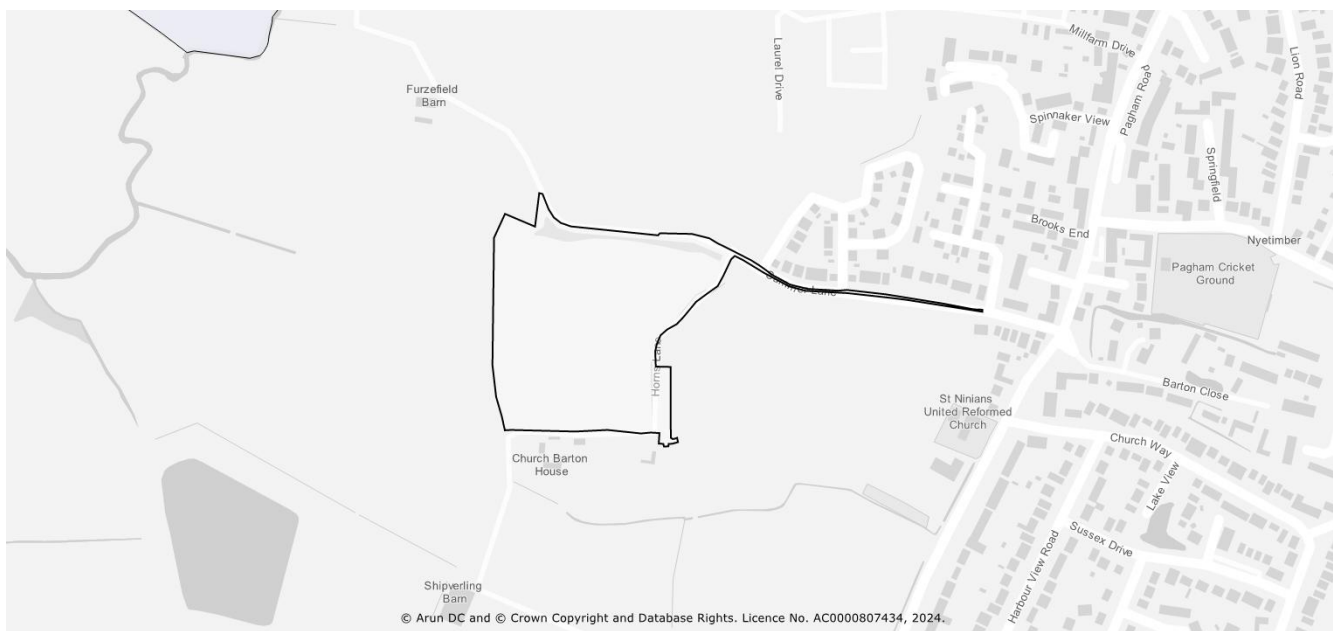
(or for development works immediately adjacent to a PROW that can not reasonably be managed through different Health and Safety practice) the applicant must be advised to apply to WSCC PROW Team for a temporary path closure. The applicant must be advised there is no guarantee an application will be approved; that a minimum of 8 weeks is needed to consider an application."

- 38 INFORMATIVE: In the interests of crime prevention and deterrence, the development should incorporate security measures in accordance with the consultation advice of Sussex Police (dated 19/04/24) as available on the council's website.
- 39 INFORMATIVE: The applicant is advised of the requirement to enter into early discussions with and obtain the necessary licenses from the Highway Authority to cover any temporary construction related works that will obstruct or affect the normal operation of the public highway prior to any works commencing, should such works be required. These temporary works may include, the placing of skips or other materials within the highway, the temporary closure of on-street parking bays, the imposition of temporary parking restrictions requiring a Temporary Traffic Regulation Order, the erection of hoarding or scaffolding within the limits of the highway, the provision of cranes over-sailing the highway.
- 40 INFORMATIVE: The applicant is advised that the erection of temporary directional signage should be agreed with the Local Traffic Engineer prior to any signage being installed. The applicant should be aware that a charge will be applied for this service.
- 41 INFORMATIVE: The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover any off-site highway works. In the event these are required, the applicant should contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
- 42 INFORMATIVE: Should the applicant intend to offer any of the internal estate roads for adoption under S38 of the Highways Act 1980, they will be required to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover these. The applicant should contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that any works commenced prior to the S38 agreement being in place are undertaken at their own risk. Additionally, any works offered for adoption must connect to other roads that form part of the adopted highway network or are confirmed as being secured for adoption under S38.

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

P/35/24/OUT - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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