

REPORT UPDATE

Application No: P/134/16/OUT

Location: Land north of Sefter Road & 80 Rose Green Road, Pagham

Description: Outline application for the development of up to 280 dwellings (including affordable homes), land for a replacement scout hut, land for an Ambulance Community Response Post Facility and land for either a 1FE primary school or care home. Provision of a primary vehicular access from Sefter Road and demolition of No. 80 Rose Green Road and creation of a pedestrian and emergency only access. Provision of Public Open Spaces including associated children's play areas, landscaping, drainage and earthworks. This application also falls within the parish of Aldwick.

UPDATE DETAILS

The application was determined by Members of the Development Control Committee at the reconvened Special Development Control on the 13th November 2018, following the adjournment of the meeting on the 24th October 2018, with Planning Permission having been resolved to be granted subject to completion of the s106 agreement in accordance with the officer's recommendation.

The application has been brought back for further consideration by Members in relation to the impact of the development upon non-designated heritage assets and consideration of the draft Pagham Neighbourhood Plan following publication under Regulation 14 of the Neighbourhood Planning (General) Regulations 2012.

Officers have sought a legal opinion in which it has been advised that in the consideration of this matter the Committee, must restrict their debate and consideration to these (the non-designated heritage asset and publication of the Pagham Development Management Plan) material consideration **only** and not the whole of the application, as the application as a whole has been previously considered and determined. There has been no change to material considerations, other than the publication of the PDMP and consideration of the non-designated heritage asset.

A change in membership of the Development Control Committee and/or the political make-up of the Council is not a material planning consideration which would justify reconsideration of the entire application.

Consultation Response

A consultation response was received from the Council's Conservation Officer on the 19th July 2019. Below is a summary of the comments (please note the full consultation response is available on the Arun District Council website):

- The site contains a World War 2 (WW2) Infantry Section Post (ISP) in the west of the site, as well as the line of a former anti-tank ditch (which has subsequently been culverted).
- The ISP was likely to have been built as part of a wider anti-invasion plan, comprising static defence lines, to counter the danger of invasion after the defeat at Dunkirk in May 1940. It is considered that both the Infantry Section Post, and the anti-tank ditch were erected as part of the perimeter defences around Bognor Regis.
- The Bognor Advance Landing Ground was located c. 1km northwest of the site, which consisted of an airfield and tented camp used by the RAF. As identified in the Heritage Statement, the relationship of the infantry section post to this airfield is unclear; it may have been a means of defence against a possible attack on the airfield.
- It is considered that the proposed use of this parcel of land for some form of open space offers the opportunity to retain the asset as part of a sensitively designed scheme. Such a scheme would allow the development to link in to the history of the local area, whilst maintaining an important heritage asset.
- The heritage statement submitted in support of the application identifies that the loss of the ISP has the potential to have a severe but localised negative impact on the WW2 Infantry Section Post. It is considered that, based on the current information, that this conclusion is supported.
- If demolition is ultimately considered to be necessary, the developer should prepare a full record of the asset for inclusion on the Historic Environment Record.

Non-designated heritage assets

The site features a World War 2 (WW2) Infantry Section Post on the western-most portion of the site as well as the former anti-tank ditch which has subsequently been culverted. Whilst, the ditch is no longer visible, it appears to run in close proximity to the Infantry Section Post. The Infantry Section Post is considered to constitute a non-designated heritage asset.

Paragraph 197 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

It is identified within the heritage statement submitted in support of the planning application that the Infantry Section Post is likely to have been built as part of a wider anti-invasion plan, comprising static defence lines, to counter the danger of invasion after the defeat at Dunkirk in May 1940. It is considered that the Infantry Section Post and anti-tank ditch were constructed as part of the perimeter defences around Bognor Regis.

The heritage statement acknowledges that the loss of the Infantry Section Post has the potential to have a severe but localised negative impact. However, the indicative

development proposals show that the Infantry Section Post will be situated within an area of open space, with this portion of the site not intended for residential development. The retention of this portion of the site as open space would offer the opportunity to retain the asset as part of a sensitively designed scheme. Such a scheme would allow the development to link in to the history of the local area through the retention of the non-designated heritage asset.

Should the WW2 Infantry Section Post be retained then the proposed development would not result in any harm to the significance of the non-designated heritage asset. However, this is an outline approval and as such the layout of the development is yet to be finalised and the non-designated heritage asset may need to be removed. If a balanced judgement was to be taken in accordance with paragraph 135 of the NPPF then the benefits of the development, primarily its significant contribution to meeting housing need within the district, would outweigh the loss of the non-designated heritage asset (subject to appropriate recording being undertaken prior to removal).

Therefore, the below Condition is recommended for inclusion with the decision notice:

Prior to the commencement of development, a condition survey that includes the following components and recommendations on the future use of the World War 2 Infantry Section Post shall be submitted to and approved in writing by the Local Planning Authority;

- i) World War 2 Infantry Section Post condition survey to establish the feasibility and provide recommendations for the potential retention and repair of, or the removal and recording of the World War 2 Infantry Section Post.*
- ii) In the event that the World War 2 Infantry Section Post is to be retained based on the approval of (i), no development shall take place until details of how the World War 2 Infantry Section Post shall be made safe and secure during construction works have been submitted to and approved in writing by the Local Planning Authority. The measures so approved by the Local Planning Authority shall be implemented prior to the first occupation of any dwelling hereby approved.*
- iii) In the event that the World War 2 Infantry Section Post is agreed to be removed based on the approval of (i), no development shall take place until a programme of building recording in accordance with a written specification has been submitted to and approved in writing by the Local Planning Authority. Any programme so approved shall be undertaken prior to the first occupation of any dwelling hereby approved.*

Reason: To preserve the significance of the non-designated heritage asset in accordance with paragraph 197 of the National Planning Policy Framework and/or to ensure that historic building features are properly examined and recorded. It is

necessary for this condition to be pre-commencement to avoid any harm to the significance of the non-designated heritage asset.

PAGHAM DEVELOPMENT MANAGEMENT PLAN

On 19 July 2019 the 'Pagham Development Management Plan 2019-2026' (PDMP) was published. The PDMP contains four policies; one of which seeks to designate the Pagham South strategic allocation as Local Green Space. The PDMP has been published under regulation 14 with the revised consultation period running until 5pm on the 31st August 2019.

The National Planning Policy Framework (NPPF) under paragraph 48 identifies that Local Planning Authorities may give weight to relevant policies in emerging plans according to the stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the NPPF.

The Council issued comments in response to the publication of the Pagham Neighbourhood Plan on the 2nd August 2019. These comments included objections to all four policies contained within the Pagham Neighbourhood Plan due to their conflict with the Arun Local Plan, the National Planning Policy Framework and the Planning Practice Guidance.

The PDMP in its current format is not considered to be in general conformity with strategic local policy (as set out below), and as such conflicts with Paragraph 036 (Reference ID: 41-036-20190509) of the Planning Practice Guidance, which states "A neighbourhood plan must be in general conformity with, and plan positively to support, the strategic policies of the development plan".

Neighbourhood Plans should not re-allocate sites that are already allocated through strategic plans and National planning policy states that it should support the strategic development needs set out in strategic policies for the area, plan positively to support local development and should not promote less development than set out in the strategic policies (see paragraph 13 and paragraph 29 of the National Planning Policy Framework). It is also identified, within the Planning Practice Guidance, that a Neighbourhood Plan should not "...be used to constrain the delivery of a strategic site allocated for development in the local plan or spatial development strategy." (Paragraph 044 Reference ID: 41-044-20190509).

DM Policy 1 of the PDMP simply repeats the objectives of the NPPF which was a material consideration in the original determination of this planning application by Members. This policy also does not add any local detail and as such the Council have objected to this policy there is no need to repeat national policies in local policies.

DM Policy 2 relates to Local Green Space and identifies that land shown on the Plan at Appendix 1, of the PDMP, is designated as Local Green Space and all development proposed for land within this area will be considered inappropriate and will not be permitted unless specific criteria are met. However, the land identified within the PDMP at Appendix 1 incorporates the entirety of Strategic Allocation SD1 (Pagham South) and as such the proposed policy (within the PDMP) conflicts with policy H SP2a of the Arun Local Plan. Therefore, the policy proposal is not in general conformity with strategic local policy as specified by Paragraph 036 (Reference ID: 41-036-20190509) of the Planning Practice Guidance. On this basis the Council in their consultation response have recommended that this policy is deleted from the PDMP.

DM Policy 3 of the PDMP identifies that major development in the plan area will not be permitted unless it can be demonstrated that significant harm to Pagham Harbour resulting from the development cannot be avoided through locating on an alternative site with less harmful impacts; that it can be demonstrated that the harm that it will cause to Pagham Harbour can be adequately mitigated or as a last resort compensated for by way of measures to be implemented; that proposals for major development that rely on and propose connection to the existing foul water sewer network that connects to Pagham Waste Water Treatment Works (WwTW) can demonstrate that there is sufficient capacity or that material considerations indicate otherwise. It is also stated that major development that proposes network reinforcement which will enable foul sewerage discharge to waste water treatment works located outside of the plan area will not be permitted unless it can be demonstrated at submission that such network reinforcement will be available before the development is occupied.

DM Policy 3 is not in general conformity with the Arun Local Plan and is also considered to conflict with paragraph 175 of the National Planning Policy Framework. In the determination of this application previously by Members the appropriate assessment has shown that significant harm to biodiversity, through increased recreational disturbance and water quality impacts, can be avoided (and not just reduced or minimised) through mitigation. With mitigation having been considered there would be no "significant harm to biodiversity". As such, where significant harm to biodiversity could be avoided through mitigation the decision-maker is not obliged by Paragraph 175(a) to consider whether the development could be located on an alternative site with less harmful impacts.

As such, the proposed development is acceptable and appropriate mitigation can be secured through appropriately worded conditions and s106 obligations. The Council have recommended to Pagham Parish Council that this policy is deleted from the PDMP.

DM Policy 4 states that development within the plan area will not be permitted unless and until it has been demonstrated that the transport, social, environmental and

economic infrastructure that is necessary to make the development acceptable in planning terms will be delivered within the plan area before the development proposed is anticipated to be occupied. This policy has failed to take into consideration that the planning impact of the development upon transport, social, environmental and economic infrastructure can be properly addressed through the use of conditions and s106 contributions with appropriate triggers. Given the trigger points identified the impact of development will be adequately mitigated.

The policy itself has not been positively prepared and as written is strategic in nature and conflicts with the approach set out in the Arun Local Plan Policy INF SP1 and does not allow for phasing, viability or deliverability. Therefore, the Council have again recommended that this policy is deleted.

Given the current stage of preparation, the level of outstanding objections, its conflict with the National Planning Policy Framework (NPPF) and the Planning Practice Guidance (PPG) it is the view of officers that the Pagham Development Management Plan (PDMP) should not be attributed any weight, in the determination of this application. Therefore, it is recommended that the application is approved in line with the previous determination of the application by Members of the Development Control Committee.

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

The revised NPPF was published on 19 February 2019, which consisted on minor changes to the text. It is considered that these revisions do not have a material impact upon the previous resolution of the committee.

RECOMMENDATION

That delegated authority is granted to the Group Head of Planning for the completion of the Section 106 agreement, substantially in accordance with the Heads of Terms previously approved by Members of the Development Control Committee on the 13th November 2018, and to grant planning permission subject to the S106 Agreement and Conditions and Informatives as set out in the attached recommendation sheet.