

**DEVELOPMENT CONTROL COMMITTEE**

**7 AUGUST 2019**

**OFFICER REPORT UPDATES**



## REPORT UPDATE

**Application no:** P/30/19/OUT  
**Page no:** 19  
**Location:** Land north of Hook Lane Pagham  
**Description:** Outline application with some matters reserved for the construction of up to 300 No. new homes, a care home of up to 80 beds, D1 uses of up to 4,000 sqm including a 2 form entry primary school, the formation of new means of access onto Hook Lane & Pagham Road, new pedestrian & cycle links, laying out of open space, new strategic landscaping, habitat creation, drainage features & associated ground works & infrastructure. This application may affect the setting of a listed building (resubmission following P/6/17/OUT).

### UPDATE DETAILS

Reason for Update/Changes:

1. Natural England provided a consultation response on the 22nd July 2019 providing the following comments:

#### NO OBJECTION SUBJECT TO MITIGATION

Agree with the conclusion of the Appropriate Assessment, that mitigation measures are available to avoid an adverse effect on the integrity of the SPA/Ramsar. Therefore, in line with these conclusions, the following mitigation measures should be secured:

- Financial contribution to the Pagham Harbour SAMM Strategy;
- Greenspace totalling 6.65ha within the development site, managed to provide recreational space for people and their dogs:
- Development to be phased to align with Southern Water's delivery of sewerage network reinforcement.
- A detailed surface water drainage strategy addressing both flood risk and water quality should be produced.
- A construction environment management plan should set out the best practice measures to avoid pollution.

2. Four Letters of representation received following the publication of the recommendation report.

The following points have been raised:

- Brent Geese use this site during the winter period.
- The changes to the access are not substantive enough to make a difference.
- Loss of best and most versatile growing land.
- Road infrastructure is already over burdened and cannot cope with additional housing.
- This field regularly floods in winter and is unsuitable for development.

Two letters of representation received from Pagham Parish Council:

- Applicants ecological surveys are all dated 2015-2017 and have not been updated.
- No comments from Chichester District Council which is significant given their previous comments in relation to P/6/17/OUT.
- The applicants heritage statement does not consider all relevant Listed Buildings.

- Drainage concerns.
- Application should not be dealt with in Outline.
- The Officers report includes inaccuracies, assertions and misrepresentations (no details provided).
- Object to the plan.

### 3. TREE PRESERVATION ORDER

A Tree Preservation Order under reference TPO/P/1/19/ has been made for a Pedunculate Oak situated on the eastern boundary of the site in accordance with the request of the Council's Tree Officer. The proposed site access onto Hook Lane does not have an impact upon this tree and the tree was identified within the submitted Arboricultural Assessment as being retained.

### 4. RECOMMENDATION

That delegated authority is granted to the Group Head of Planning to make minor amendments to the S106 Agreement that are substantially in accordance with the Heads of Terms and to grant planning permission subject to the S106 Agreement, Conditions and Informatives.

Officers Comment:

1. The consultation response from Natural England supports the conclusions of the Officers recommendation.
2. The additional letters of representation do not raise any points which have not already been previously considered.
3. No additional comments.
4. No additional comments.

## REPORT UPDATE

**Application no:** Y/103/18/PL  
**Page no:** 75  
**Location:** 10 Acre Field North of Grevatts Lane Yapton  
**Description:** Single Chapel Crematorium with car parking, landscape works, surface water drainage features & associated highway improvements. This application is a Departure from the Development Plan.

### UPDATE DETAILS

#### REASON FOR UPDATE/CHANGES:

##### (A) Agricultural Land:

The Committee report states that "the proposal remains partly in conflict with the YNDP (policy E2) and with policy SO DM1 of the ALP. This position may however change upon receipt and assessment of the Soil Resource Survey and Soil Resource Plan."

The applicant has now submitted a Soil Resource Survey and a Soil Resource (Management) Plan. The latter details measures to retain and protect the existing high quality soils on the site during construction and to then spread these soils across the site and implement the proposed landscaping scheme. This now satisfies the remaining parts of policy SO DM1 and as such there is no longer any conflict with the policy. This necessitates an additional condition to ensure that the soil mitigation measures are followed in order to ensure that the best soils on the site are retained.

There remains conflict with Yapton Neighbourhood Development Plan policy E1, but this is resolved by compliance with policy SO DM1 within the more recent Arun Local Plan.

Yapton Parish Council have been consulted on the additional soils documents and have until the 13th August to provide their comments. At the time of writing (06/08/19) they have not yet responded.

##### (B) Amendments to Access Arrangements:

The applicant was requested to consider:

(1) incorporating different surface materials/line painting or something similar at the access from the site onto Grevatts Lane West in order to guide visitors to the A259 and not to turn right towards Bilsham Road; and

(2) amending the junction of Grevatts Lane West with the A259 in order to deter/prevent right turns onto the A259.

In respect of (1), the applicant has liaised with County Highways, but the conclusion is that this is not suitable due to safety concerns and that a banned right turn is not necessary to make the

development acceptable. The principal concerns are as follows:

- There is unlikely to be enough land for road widening in order to include a traffic island to prevent right turns;
- If right turns were prevented then vehicles would instead have to travel east for approximately 2.25km before undertaking a 'U' turn at the Climping roundabout;
- This would not be desirable as roundabouts are not considered ideal for u turn movements and it is likely that drivers would instead look to turn around earlier such as at the Oyster Catcher junction or attempt to travel westwards along Grevatts Lane West; and
- It is not appropriate to compare the proposed junction with the existing situation at Comet Corner. A more comparable junction would be the Hobbs New Barn business park junction to the east.

In respect of (2), the applicant has amended the plan of this access (Drawing 128.001.007 Revision D "Access Road Amendments") to show the addition of both signage and road lining to discourage a right turn when exiting the site. This will be secured by an amendment to the wording of condition 17.

The applicant has also stated that the access design cannot be amended to further prevent right turn movements out of the site due to the need to maintain Grevatts Lane West with an adequate width to enable use by farm vehicles.

#### (C) Traffic Regulation Order:

It was previously suggested at the Members Briefing Panel that the Traffic Regulation Order (TRO) could be achieved through a planning condition rather than a Section 106 Legal Agreement. However, officers have now obtained advice from our Principal Lawyer and the advice is quite clear that conditions should not be used in order to require compliance with other regulatory requirements. As the TRO will be subject to the Road Traffic Regulation Act 1984, such a condition would not be appropriate and should not be used.

#### (D) Additional Objections:

The Council has also received 10 objections to the application since the publication of the Committee report and the material considerations raised by these are summarised below:

- Junction with the A259 will be dangerous to cyclists & pedestrians using the multi-use path;
- Cycle survey was conducted on a weekend day when the weather was poor;
- More and more cyclists are using the path therefore survey is already out of date;
- Harm to highway safety at Comet Corner;
- Site is too close to residential properties and will cause air pollution;
- A Road Safety Audit was submitted only four days before the initially scheduled meeting;
- Why such a large car park if traffic flows so low; and
- Why was a public highway allowed to be blocked by an adjacent landowner and why were County not aware of this when the shared path was installed.

The majority of these objections refer to matters already discussed within the officer report or

matters outweighed by the lack of an objection from County Highways.

OFFICERS COMMENT/RECOMMENDATION:

Members should note that the conditions listed in the report are to change in that:

(1) Condition 2 (Plans) is amended to reference the updated "Access Road Amendments" drawing 128.001.007 which is now Revision D;

(2) A new condition is added (condition 5) to ensure that the soil management plan is adhered to. This new condition is set out below:

"The preparation and development of the site must be carried out in accordance with the protection and mitigation measures as set out within the submitted Soil Resource Plan by Tim O'Hare Associates LLP ref TOHA/19/6507/2/ML (22/07/19 - Issue 1). The soil protection/mitigation measures shall be implemented as per the document and then permanently adhered to throughout the construction process. Reason: In accordance with Arun Local Plan policy SO DM1 and the National Planning Policy Framework."

Therefore, any resolution by the Development Control Committee to "delegate the approval of planning permission, subject to the completion of the s106 agreement and the recommended conditions, to the Group Head of Planning for a decision to then be made in consultation with the Chair and Vice Chair of the Development Control Committee" will be subject to the above condition amendments.

(3) Condition 17 is amended to also refer to the proposed road lining and signage. The reworded condition is set out below:

"No part of the development shall be first brought into use until such time as the vehicular access with Grevatts Lane West to serve the development, to include the proposed new road lining and road signage, has been constructed in accordance with the details shown on the drawing titled "Access Road Amendments" numbered 128.001.007 Rev D. Reason: In the interests of road safety in accordance with policy T SP1 of the Arun Local Plan and the National Planning Policy Framework."

## REPORT UPDATE

**Application no:** CM/4/19/PL  
**Page no:** 105  
**Location:** Land south of the A259 Grevatt's Lane Climping  
**Description:** Construction of a crematorium comprising of a crematorium building & associated structures, car parking, access & landscaped spaces. This application is a Departure from the Development Plan.

### UPDATE DETAILS

#### Reason for Update/Changes:

The agent's have submitted a Soil Resources Survey and Plan and an Agricultural Policy Considerations Report. These demonstrate that the soils have been fully assessed by way of a survey.

There are three key areas identified within the site :

- Zone 1 where most soil will be stripped prior to construction and landscaped areas will be restored towards the end of the construction period;
- Zone 2 where topsoils will be stripped prior to ditch and swale construction;
- Zone 3 where soils will generally be left on site. Part of this area will be used for storing soils from Zones 1 and 2.

Provided the development is carried out in accordance with the information submitted the proposal will be compliant with Arun Local Plan policy SO DM1 and CPN10 of the Climping Neighbourhood Plan. As such the proposed reason for refusal 1 is no longer appropriate and should be deleted from the recommendation in accordance with the attached updated recommendation sheet.



Construction of a crematorium comprising of a crematorium building & associated structures, car parking, access & landscaped spaces. This application is a Departure from the Development Plan.

Land south of the A259  
Grevatt's Lane  
Climping

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## RECOMMENDATION

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R - Refuse

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- 1 The proposal would be located within the Littlehampton to Middleton Gap between Settlements, where development will only be permitted if it cannot be located elsewhere. In this case an alternative site has been identified. The proposal would therefore be contrary to policy SD SP3 of Arun Local Plan.
- 2 In accordance with the requirements of the sequential test, an alternative site at lower risk of flooding has been identified for the use proposed and the proposal therefore does not satisfy the sequential test in accordance with the National Planning Policy Guidance or policy W DM2 of Arun Local Plan.
- 3 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

## REPORT UPDATE

**Application no:** AW/134/19/HH  
**Page no:** 129  
**Location:** 33 Balliol Close Aldwick  
**Description:** Single storey side and rear extension with habitable roofspace and conversion of existing roofspace to habitable use, together with porch removal and replacement windows.

### UPDATE DETAILS

Reason for Update/Changes:

Additional objection received from Cllr Tony Dixon (Ward member for Aldwick West)

- If approved, it would set a design precedent that is out of keeping with the wider estate which could be used as a precedent for similar properties in less discrete locations.

Members should note that the objection received from Aldwick Parish Council also includes " The application is in direct conflict with policy D DM4 b and c of the Arun Local Plan and with the Parish Design Statement page 71".

Officers Comment:

Comments noted however none of these points alter the Officers recommendation.

## REPORT UPDATE

**Application no:** AB/23/19/PL  
**Page no:** 151  
**Location:** 67/69 Tarrant Street & 2A Arun Street Arundel  
**Description:** Conversion & change of use of retail unit (A1 Shops) to 2 No. residential units (C3 Dwelling houses). This application affects the character & appearance of the Arundel Conservation Area.

### UPDATE DETAILS

Reason for Update:

One additional representation:

Note our original objection is referred to in report and an Informative which deals with this objection is suggested. On this basis we are not attending the meeting and the Committee is urged to agree to the inclusion of the Informative.