

PLANNING APPLICATION REPORT

REF NO: P/116/19/OUT

LOCATION: Land adjacent to Sefter School House
Sefter Road
Bognor Regis
PO21 3EE

PROPOSAL: Outline application with all matters reserved, except for access, for the erection of 4 No. semi-detached 3-bedroom houses & 2 No. detached 4-bedroom houses with associated access, parking & gardens. This application is a Departure from the Development Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Outline application, with all matters reserved except for access, for the erection of 4 semi-detached 3-bed houses & 2 detached 4-bed houses with associated access, parking & gardens. An indicative layout has been provided but layout is a reserved matter. The site is outside the Built-up Area Boundary and in the designated Countryside.
SITE AREA	0.266 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	23 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	There are significant off-site trees.
BOUNDARY TREATMENT	Scattered trees/hedgerows along boundaries except the east boundary by the highway which has a grass verge and hedgerow.
SITE CHARACTERISTICS	An unused parcel of land (former builders yard) on the boundary of the Pagham Built-up Area.
CHARACTER OF LOCALITY	Mixture of rural and residential. To the southwest, west and northwest the site adjoins existing housing and to the east there is Sefter Road and open farmland beyond that. To the south, the site adjoins a strategic housing site allocated in the Arun Local Plan. To the south of that site is Hook Lane.

In September 2019, P/30/19/OUT was granted for the adjoining strategic site for up to 300 homes, an 80 bed care home, up to 4000sq.m of Class D1 uses, including a primary school and associated infrastructure.

No relevant planning history.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Pagham Parish Council

Pagham Parish Council: OBJECTION.

- The site lies outside the defined built up area and in the countryside so development with housing is, as a matter of principle, in direct conflict with ALP 2018 Policies SD SP2 Built-up Area Boundary and C SP1 Countryside and emerging Pagham Neighbourhood Plan policies 1 and 2.
- Lawful use of land is agricultural (as defined in the Act) and the site constitutes high grade agricultural land. The applicant provided no evidence as to why the lawful use of the site is no longer possible so that the development is, as a matter of principle, in direct conflict with ALP 2018 Policy SO DM1 Soils.
- The applicant provided no evidence to demonstrate that satisfactory foul and surface water drainage can or will be provided in a manner that will safeguard water quality in the Pagham Harbour SPA/Ramsar.
- NE requested an AA be undertaken and this has not been done. AA needs to assess impact of surface and foul water discharge on the Pagham Harbour Ramsar.
- Concerns about impact of contaminated land and contaminated water draining into water courses which then drain into Pagham Harbour Ramsar.
- Parts of the site are in or adjoin land shown on the EA maps as being in Zone 2 and 3. No flood risk assessment has been provided.
- The applicant failed to demonstrate the proposals can be or will be undertaken in accordance with ALP 2018 Policy ENV DM2 Pagham Harbour.
- The site lies in the Rural Area for the purposes of the Pagham Village Design Statement 2007 and there is no evidence to show the proposals can or will be carried out in a manner which accords with the criteria set out for Rural Areas in the PVDS.
- The proposal fails to demonstrate that access can or will be achieved in accordance with ALP 2018 Policy T DM1.
- Site is part of a proposed Local Green Space as set out in the emerging Neighbourhood Plan.
- Tree Officer comments make clear proposals fail to demonstrate compliance with ALP 2018 policy ENV DM4 Protection of trees.
- Application of presumption in favour of sustainable development is flawed. Site is unsustainably located in transport terms, the application of policies in the NPPF relating to the protection of habitat sites provide clear reasoning for refusing the application, and that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.

3 letters of objection:

- Direct conflict with relevant Development Plan policies.
- Conflict with ENV DM2 - fails to make developer contributions to mitigate impact of development in Pagham Harbour area.
- Located in a Green Infrastructure Strategic Gap between Bognor Regis and Chichester. This gap should be preserved.
- CIL documents fail to demonstrate the necessary CIL contributions will be made in accordance with the statutory CIL provisions.
- Road safety issues with access and Sefter Road/Pagham Road junction.
- Concerns regarding overlooking and loss of privacy to Sefter Cottage due to site being at higher level.
- Concerns regarding surface water drainage/flooding issues.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted and addressed in the Conclusions. These comments are provided in response to responses from Pagham Parish Council:

- i. The development conflicts with ALP policies SD SP2 and C SP1 as the site is outside the BUAB in the Countryside, where development is not permitted unless certain exception tests are met. There are other material considerations (lack of a 5 year housing land supply, NPPF's presumption in favour of sustainable development) to be weighed in the balance with the Development Plan.
- ii. The proposal results in the loss of/moderate harm to Grade 2 Agricultural Land in conflict with ALP policy SO DM1. However, there are other material considerations (Council's lack of a 5 year housing land supply, NPPF's presumption in favour of sustainable development) to be weighed in the balance with the Development Plan. A soil preservation scheme forms a condition of this decision.
- iii. The requirement for a foul drainage/surface water scheme form conditions of this decision. EA flood maps show that, although adjacent, none of the site is in Flood Zones 2 or 3 and there is no need for a FRA. An AA has been undertaken and concludes that, subject to mitigation measures (SAMM tariff payment, land remediation/CMP conditions), there would be no adverse effect on the integrity of the protected sites i.e. Ramsar/SPA. The applicant entered into a s106 agreement to make a financial contribution towards the maintenance of Pagham Harbour SPA and Ramsar. Natural England have confirmed that the use of conditions to secure land remediation and Construction Management Plan including avoidance of contamination of water courses will be adequate to restore the site and ensure any risk of water contamination is avoided. The AA concluded no need to create new accessible green spaces near or adjacent to the site, given the small number of houses proposed, that there are other such spaces in the area before the harbour, and spaces secured under planning at the adjacent site. EA, WSCC, Southern Water, Natural England were consulted regarding concerns about water pollution. WSCC LLFA confirmed they are not responsible for matters relating to water pollution and is a matter for the Local Authority's Environmental Health and the EA. ADC EH confirmed the need for full 4-stage potentially contaminated land condition to be applied. EA confirmed that Council need to take the advice of Environmental Health.
- iv. The draft Pagham Neighbourhood Plan has been published for pre-submission consultation and is to be attributed exceptionally limited weight. It is a matter for decision makers to decide how much weight should be attributed to emerging plans. Para 48 of the NPPF states that LPAs may give weight to relevant policies in emerging plans according to; the stage of preparation of the emerging plan, the extent to which there are unresolved objections to relevant policies in the emerging plan, the degree of consistency of the relevant policies in the emerging plan to the NPPF. Notwithstanding this, the Local Green Space designated in the draft PNP does not include the site.

CONSULTATIONS

Engineering Services Manager
Engineers (Drainage)
WSCC Strategic Planning
Ecology Advisor
Arboriculturist
Natural England
Environmental Health

CONSULTATION RESPONSES RECEIVED:

ADC ENVIRONMENTAL HEALTH: No objection, recommend conditions restricting hours of construction, and requiring details of external lighting scheme and Electric Vehicle Charging Point provision, and land contamination remediation.

WSCC HIGHWAYS: No objection to type of access licence/visibility splays. No evidence to suggest

existing or new access would operate unsafely. Do not consider proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the NPPF (para 109), and there are no transport grounds to resist the proposal. Conditions are recommended to secure the accepted visibility splays at the proposed site access, and requiring the use of the proposed site access to not commence until the existing site access has been closed off, and the use of the car parking spaces to not commence until the proposed site access has been constructed in accordance with plans and details.

ADC DRAINAGE ENGINEER: No objection subject to conditions/informative requiring investigation into winter infiltration testing/groundwater monitoring and use of SUDs, full details of a surface water drainage scheme, details of any discharge to watercourses and need for Land Drainage Consent, a maintenance manual for the surface water drainage system. These ensure the development is adequately drained and doesn't increase flood risk elsewhere. Consult EA if sewer treatment plant proposed.

ENVIRONMENT AGENCY: EA not consulted on non-major applications which include non-mains foul water drainage (e.g. private sewer treatment plants). Provide standing advice for LPAs on minor applications. EA advised to refer to Environmental Health advice regarding land contamination and water pollution matters.

ADC TREE OFFICER: In the absence of a Tree Survey and Constraints Plan unable to fully support the scheme. Applicants need to employ a qualified Arboriculturist to undertake a Tree Survey and provide an Arboricultural Impact Assessment (AIA) to include a Tree Survey Schedule, Root Protection Area Schedule and a Tree Constraints Plan. If any development overlaps RPAs, then an Arboricultural Method Statement (AMS) to include a Tree Protection Plan will be required. Any future application would need to have an AIA submitted (and an AMS if appropriate).

ECOLOGY ADVISOR: Comments 29/01/20 - recommend conditions to protect bats, nesting birds and water voles. If any works need to take place in the ditch area on site, then a full mitigation strategy for water voles will be required. In line with Policy ENV DM5 of the Local Plan, information on Biodiversity Net Gain needs to be provided as part of the application prior to determination. Though some biodiversity enhancements have been recommended in the EIA (Dec 2019) further information needs to be provided to demonstrate what will be included within the scheme.

Comments 10/08/20 - Satisfied the water vole condition (which references potential requirement for full mitigation strategy) meets all ecology requirements, satisfied with biodiversity enhancements proposed so far (Biodiversity Enhancement Statement, prepared by E Lawrence Planning, received 07/08/20). As part of a future Reserved Matters application the applicants will need to provide more information (e.g. Biodiversity Net Gain site plan) for this.

NATURAL ENGLAND:

Comments (14/02/20) - application results in net increase in residential accommodation so impacts on the coastal SPA and Ramsar sites may result from increased recreational disturbance. LPA has measures in place to manage potential impacts through an agreed strategic solution (SAMM tariff). Subject to the appropriate financial contribution being secured, NE are satisfied the proposal will mitigate against the potential recreational impacts of development on protected sites. Notwithstanding this, NE's advice is that the development and the use of measures to avoid/reduce the likely harmful impacts from it may need to be formally checked and confirmed by the Authority, as the competent Authority, via an appropriate assessment (AA) in view of the European site's conservation objectives and in accordance with the Conservation of Habitats & Species Regulations 2017 (as amended).

Comments (11/05/20) - amendments to original application unlikely to have significantly different impacts on the natural environment than the original proposals.

Comments (26/08/20) - given contaminated land issues, then construction impacts should be added to the AA, with mitigation measures being the Construction Management Plan and land remediation conditions. CMP should include reference to surface water quality and measures to avoid contamination of watercourses on or near the site to protect local ecology and residents.

Comments (09/09/20) - concur with the AA findings (will not result in any adverse effect on the integrity of the sites), providing all mitigation measures proposed are appropriately secured in any permission.

WSCC S106 CONSULTATION RESPONSE: In terms of access management contributions the sum of £5,226 has been agreed towards the cost of delivering measures to avoid, or mitigate to an acceptable level, the harm caused to Pagham Harbour.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and are addressed in the Conclusions section of this report.

POLICY CONTEXT

Designation applicable to site:

Outside Built Up Area Boundary

Strategic Gap between settlements (Bognor Regis and Chichester)

Pagham Harbour Zone B

Sefter Farm Minerals Consultation Area

DEVELOPMENT PLAN POLICIES

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

DSP1	D SP1 Design
DDM1	D DM1 Aspects of form and design quality
LANDM1	LAN DM1 Protection of landscape character
ENVDM2	ENV DM2 Pagham Harbour
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
ENVSP1	ENV SP1 Natural Environment
QESP1	QE SP1 Quality of the Environment
QEDM1	QE DM1 Noise Pollution
QEDM3	QE DM3 Air Pollution
QEDM2	QE DM2 Light pollution
QEDM4	QE DM4 Contaminated Land
SDSP1	SD SP1 Sustainable Development
CSP1	C SP1 Countryside
SDSP3	SD SP3 Gaps Between Settlements
SODM1	SO DM1 Soils
WMDM1	WM DM1 Waste Management
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development

WSP1	W SP1 Water
WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
INFSP1	INF SP1 Infrastructure provision and implementation

[Joint Minerals Local Plan 2018:](#)

Joint West Sussex M9 Safeguarding Minerals

PLANNING POLICY GUIDANCE:

NPPG	National Planning Practice Guidance
NPPF	National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE:

PDS	Pagham Parish Council's Village Design Statement by PaghamPC
SPD11	Arun Parking Standards 2020

POLICY COMMENTARY

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

The draft Pagham Neighbourhood Plan (PNP) was publicised for pre-submission consultation (Reg.14), from 29-6-2020 - 7-8-2020. The Plan contains eleven policies; one of which seeks to designate large parts of the strategic site allocation in the Local Plan adjacent to the site as a Local Green Space. Given the recent publication of the PNP and its draft form, it can be attributed exceptionally limited weight at this time. It is a matter for decision makers to decide how much weight should be attributed to emerging plans. Para 48 of the NPPF states that LPAs may give weight to relevant policies in emerging plans according to; the stage of preparation of the emerging plan, the extent to which there are unresolved objections to relevant policies in the emerging plan, the degree of consistency of the relevant policies in the emerging plan to the NPPF. Policies in the draft PNP are considered in the Conclusions.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 70(2) of 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.

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 relevant Development Plan policies in that it results in development in the countryside outside of the defined settlement boundary. The development leads to the loss of the best and most versatile agricultural land in conflict with Local Plan policies SD SP2, C SP1 and SO DM1.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to be weighed in the balance with the Development Plan and/or legislative background as detailed in the Conclusions section.

CONCLUSIONS

PROPOSAL & PRINCIPLE:

The Development Plan comprises the Arun Local Plan (ALP) and the West Sussex Waste and Minerals Plans. There is no made Neighbourhood Plan. The site is in the designated Pagham Neighbourhood Area and the 'Pagham Neighbourhood Plan 2020-2030' is published for pre-submission consultation (Reg. 14). Its policies will be referred to in this report, although they will be attributed exceptionally limited weight, given its recent publication (Reg. 14 status), its conflict with the NPPF, amount of consultation, and lack of general conformity with Local Plan policies.

ALP policy SD SP2 seeks to focus development in the Built-Up Area Boundary (BUAB), subject to compliance with other relevant Development Plan policies. Policy C SP1 (Countryside) of the ALP states residential development in the countryside outside the BUAB will not be permitted, unless in accordance with policies in the Plan which refer to a specific use or type of development. The proposal does not relate to any of the uses/types of development which justify a countryside location. Policy 1 of the PNP sets out an amended BUAB (compared to 2015) and seeks to direct development to land in the BUAB. Policy 2 of the PNP seeks to limit and strictly control development in the countryside. The site is not located in the amended BUAB shown in Policy 1.

As the site lies outside the BUAB, in the designated Countryside, the scheme conflicts with the Development Plan; ALP policies SD SP2 and C SP1 (and emerging Policies 1 and 2 of the PNP).

In this case, there are other material considerations (set out below) to be weighed in the balance with the policies contained within the Development Plan.

Other Material Considerations:

(1) The Councils Current Housing Land Supply

The Authority Monitoring Report (AMR) was considered at the Planning Policy Local Plan Sub-Committee on the 18th June and showed the Council could no longer demonstrate a 5-year Housing Land Supply (HLS) as required by the NPPF.

(2) NPPF's Presumption in Favour of Sustainable Development

ALP policy SD SP1 states that when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. It states this presumption will not be applicable where development requires an Appropriate Assessment or where consideration of the need for one is being undertaken.

This site is related to the SPA and Ramsar at Pagham Harbour and an Appropriate Assessment has been undertaken to assess the impacts on these protected habitats. According to ALP policy SD SP1, therefore, the presumption in favour of sustainable development would not apply.

The NPPF is a material consideration in determining applications and due to the Council's lack of a 5-year HLS, and the development policies being out of date, para 11 (d) of the NPPF the 'presumption in favour of sustainable development' is triggered. Part (i) applies to this determination as the site relates to a protected area (habitat sites i.e. Ramsar and SPA, as listed in Footnote 6 and para 176 of the NPPF).

Para 177 of the NPPF states:- the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

The proposal for 6 dwellings meets the economic objective, providing the potential opportunity for; employment during construction, making a contribution to local income/spending, New Homes 'bonus' and Council tax receipts. This would provide benefit to the local economy and weighs in the schemes favour. There is potential for an economic cost due to the loss of Agricultural Land. The land is not currently used for agriculture and there is no immediate prospect of this taking place. The proposal meets the social objective, making a contribution of 6 homes to the housing supply. The site is in a relatively environmentally sustainable location (from a transport perspective) given the short distance to bus routes (on Pagham Road) which enable access to Bognor Railway station, and walking and cycling distance to local shops, services and education and health facilities (in Rose Green and Nyetimber). Pedestrians could benefit from road/footpath improvements from the approval for the adjacent site P/30/19/OUT. Whilst the private car would be required for longer distances, residents would not need to rely on a car to be able to live comfortably at this location.

Conclusion on Matters of Principle:

The principle of development, in a countryside location outside the BUAB, is contrary to policies in the Development Plan. The policies of the Arun Local Plan (ALP) that relate to the supply of housing have reduced weight due to the Council not being able to demonstrate an adequate supply of housing land.

The proposal represents sustainable development (in accordance with NPPF para 8) and since the AA concluded the project would not adversely affect the integrity of the habitats site (in accordance with NPPF para 177), the NPPF's para 11d 'presumption in favour of sustainable development' applies. The trigger means the Local Plan needs to be weighed in the balance with other material considerations and that the Development Plan stops being the key consideration. The application of policies in the NPPF that protect areas (in this case, habitats sites SPA/Ramsar) of particular importance do not provide a clear reason for refusing the development proposed. For this reason, in accordance with NPPF para 11(i) the application benefits from the presumption in favour of sustainable development and, in principle, permission should be granted. This, and other material considerations set out above, combine to outweigh the conflict with the policies of the Development Plan and serve to allow for the principle of the application to be supported.

LOSS OF AGRICULTURAL LAND:

Policy SO DM1 of the ALP advises the use of Grades 1, 2 & 3a agricultural land for development not associated with agriculture, horticulture or forestry will not be permitted, unless certain tests are met. Policy 9 of the draft PNP supports proposals that ensure the retention, continued and efficient use of agricultural land for food production and will resist proposals that lead to the loss of land to other uses or

reduce its ability to continue in agricultural use, unless the proposal accords with countryside Policy 2.

DEFRA land classification mapping suggests the land is classified as Grade 2 (Very Good Quality).

The proposals to develop this land is not permitted by ALP Policy SO DM1 unless certain tests are met. The proposals would not be justified by reason of meeting tests (a-c) of SO DM1. Tests (d-g) of SO DM1 state development will not be permitted unless certain issues are addressed.

The site is less than 1 hectare and the applicant has not submitted a sustainability/options appraisal, mitigation strategy nor soil resources plan. During the determination period, the applicants provided a Land Use and Soil and Agricultural Land Quality Report (July 2020). This sets out mitigating factors including; the small size of the land, its irregular shape, its location as an isolated parcel of land which has not been linked to farmland or farming for many years, the current/previous use of the site as non-agricultural land (former builders yard) and its subsequent contaminated ground conditions/poor land quality. The applicants provided a Land Contamination Report (Feb 2020) and confirmed the mitigation measures set out in the Contamination Report would be undertaken, which includes bringing top and sub soil back onto the site and undertaking substantial soft landscaping i.e. showing soil will be preserved and incorporated into a Productive Green Environment.

It is acknowledged the proposal results in moderate harm to Grade 2 agricultural land but this is outweighed by the benefits of additional housing supply, and when taken in the context that the land is not currently in agricultural use, its current ground conditions/land quality, and the documents setting out mitigation measures and that soil will be preserved and used in the new scheme. Refusal based on the loss of agricultural land would therefore not be justified in this case. A planning condition will be added to secure the preservation of soils on site for future use.

VISUAL AMENITY AND CHARACTER:

Policy D SP1 of the ALP states development should seek to make efficient use of land but reflect the characteristics of the site and local area. ALP policy D DM1 looks at aspects of form and design quality. Arun District Council Design SPD (due for adoption in 2020) provides detailed design guidance for developments in the District. There are no relevant design policies in the PNP, although Policy 1 makes reference to the development guidelines set out in the Pagham Village Design Statement (2007).

ALP policy SD SP3 seeks to protect Gaps between settlements, to protect their generally open and undeveloped nature to prevent coalescence between settlements. Development in these areas will only be permitted where a number of tests are met.

Para 127 of the NPPF states that "Planning policies and decisions should ensure developments: (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)." Para. 122 states that planning decisions should support development that makes efficient use of land but the desirability of maintaining an area's prevailing character and setting should be taken into account. Para. 170 of the NPPF states decisions should protect and enhance valued landscapes and recognise the intrinsic character and beauty of the countryside.

The application is outline, with all matters reserved except access. Although an indicative layout is provided it is not possible to determine the application on the basis of this. It is appropriate to make an assessment of whether residential development would be acceptable in the context of the character of this part of Pagham.

The site is adjacent to the north edge of the settlement boundary, with some residences nearby and the

site being located in a small 'cluster' of dwellings, with farmland beyond. Regard must be had to the approval for P/30/19/OUT (300 dwellings and care home). This part of Pagham will change as a result of this development. Within this context, on the edge of the settlement boundary, existing properties nearby, and with a major development scheme adjacent, the proposals would not result in significant harm to the visual amenity and character of the area nor the character and beauty of the countryside and landscape.

The site is located within a Strategic Gap between settlements (Bognor Regis - Chichester) as set out in policy SD SP3 and the policy map of the Local Plan. Development is only permitted within these gaps where it would meet certain tests. It is concluded that given the site is on the very edge of the Gap and is a self contained small area of land, it and the adjacent strategic housing site which has permission for 300 homes, then the development of 6 homes here would not undermine the physical and/or visual separation of settlements, would not compromise the integrity of the Gap. As such, the proposals are considered to comply with the tests in policy SD SP3 for development in settlement Gaps.

The indicative layout shows a buffer planted area to the east boundary along Sefter Road and additional landscaping along the south boundary was part of P/30/19/OUT. The site would be set back away from Pagham Road. This planting would soften the appearance of the development in the street scene. The indicative layout suggests a spacious scheme with properties of an appropriate footprint/density with good provision of open space and landscaping reflecting an appropriate edge-of-settlement approach.

The proposal would not result in significant harm to the character of this part of Pagham and, on the grounds of density and character. Matters of detailed layout, scale, external appearance and landscaping would be considered in the future under reserved matters application/s.

RESIDENTIAL AMENITY:

Policy D DM1 of the Local Plan states new development will have minimal impact to users and occupiers of nearby property and land, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance. QE SP1 states the Council requires development contributes positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity. The Arun District Council Design SPD provides detailed guidance for development, including with regard to matters of amenity. Para 127 (f) of the NPPF states development should have a high standard of amenity for existing and future users.

It is not possible to make a detailed assessment of residential amenity, since layout, scale, external appearance and landscaping are reserved matters. Although an indicative layout is provided it is not possible to determine the application on this basis. The layout and scale suggests there would be no significant impacts on outlook or light levels to neighbours and could be designed in such a way, with window positioning/type and boundary screening, so as to avoid harmful overlooking.

Environmental Health raise no objection but recommend conditions to control hours of construction, and requiring details of any external lighting scheme and Electric Vehicle Charging Point provision (to reduce noise, light and air pollution). The only conditions which will be added to this permission is hours of construction and external lighting scheme, as the condition for EVCP would be added at reserved matters stage.

Subject to more detailed consideration of privacy issues at a reserved matters stage, it is considered there would not be a conflict with ALP policies D DM1, QE SP1, QE DM1, QE DM2 and QE DM3 or para 127 of the NPPF.

HIGHWAYS, TRANSPORT AND PARKING:

Policy T SP1 of the ALP supports development which incorporates appropriate levels of parking in line with WSCC guidance on parking provision. The Council adopted its Parking Standards SPD in Jan 2020. Para 102 of the NPPF requires development proposals to pursue opportunities to promote walking, cycling and public transport uses. Policy T SP1 and T DM1 support the inclusion of sustainable modes of transport.

Para 108 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 109 of the NPPF 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 site is on Sefter Road, a 'C' Classified Road which is subject to a 60 mph speed limit. A speed survey was conducted in proximity of the site and the applicant provided visibility splays for the access which WSCC are satisfied with. A kerb radii of 6m and access width of 6m is shown and tracking has been supplied for a range of vehicles (including worse case scenario a refuse truck) and WSCC are satisfied with the details. There is no evidence to suggest the existing access is operating unsafely or that the new access would operate unsafely. WSCC do not consider the proposed access presents a highways safety concern.

In terms of the quantum and layout of vehicle and cycle parking to serve the development, this would need to be assessed at reserved matters stage. Although an indicative layout is provided it is not possible to determine the application on the basis of this. The ADC Parking SPD (2020) requires 14 car parking spaces (2 spaces per 3 bed and 3 spaces per 4 bed) and of 8 cycle parking spaces (2 per property) in this location (Parking Behaviour Zone 2). Provision would need to be made for disabled/visitor parking and Electric Vehicle Charging Points (EVCP). It appears there would be sufficient space to provide the necessary vehicle and cycle parking. At the reserved matters stage, the LHA have made some recommendations with regard the required vehicle and cycle parking layouts.

WSCC does not consider this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the NPPF (para 109), and there are no transport grounds to resist the proposal, subject to a number of conditions (to secure the visibility splays, closure of existing access) being imposed should outline permission be granted.

FLOODING & DRAINAGE:

ALP Policy W DM1 of the Arun Local Plan requires sufficient water supplies be provided prior to occupation. ALP policy W DM2 sets out the requirements for development in areas at risk of flooding, including; the need for the sequential test, an FRA, adaptation and mitigation measures, flood warning and evacuation plans and site drainage plans. ALP policy W DM3 states that all development must identify opportunities to incorporate a range of Sustainable Urban Drainage (SUDs) systems. These features may include green roofs, permeable driveways, soakaways, water harvesting such as water butts.

The site is in Flood Zone 1 (low risk of flooding). The site is within 20m of an existing watercourse. There have been recent reports of possible contamination of the land and the neighbouring watercourse from foul water.

The applicant stated that surface water will be disposed of via an existing watercourse rather than a sustainable drainage system. The Council's Drainage Engineer commented this is not appropriate without investigation into whether or not infiltration may be viable on the site, as surface water drainage

design should follow the hierarchy of preference. The Council's Drainage Engineer raised no objection subject to conditions to ensure the development is adequately drained and does not increase flood risk elsewhere, as follows: requiring investigation into winter infiltration testing/groundwater monitoring and use of SUDs, full details of a surface water drainage scheme, details of any discharge to watercourses and need for Land Drainage Consent, a maintenance manual for the surface water drainage system.

There are no public foul sewers in the vicinity of the site. The applicant has confirmed the intention is to install a sewer treatment plant on site. ADC Drainage have recommended consulting the EA if an on-site sewer treatment plant is proposed for foul drainage. The EA standing advice for minor applications with non-mains drainage is that a Foul Drainage Assessment (FDA) is required to include justification for non-connection to mains sewer to allow the LPA to assess whether the site is in a location where it may be reasonable to connect to a mains sewer and whether non-mains foul drainage is suitable. A planning condition will be added requiring an FDA and the matter finalised via a reserved matters application regarding layout.

Details of surface water drainage and foul water disposal will also need to be assessed at reserved matters stage when details of the layout and hard and soft landscaping are provided.

LAND CONTAMINATION AND WATER QUALITY:

Policy QE DM4 promotes and will permit the use of previously developed land subject to evidence being provided, prior to any development, to show that unacceptable risk from contamination will be successfully addressed through remediation.

Policy W SP1 requires that the Council will seek to enhance the quality of the water environment which supports a range of habitats and ecosystems.

It appears that the site was formerly used as a commercial builders yard. During the course of the determination period of the current application, the agent has submitted a Land Contamination Report (Feb 2020) and Land Use & Soil and Agricultural Land Quality Report (July 2020). This shows the contaminated ground conditions/poor land quality of the site currently. The Council's Environmental Health Officer has requested that the full 4-stage potentially contaminated land condition is added to the decision. This is a pre-commencement planning condition requiring any necessary remediation of the land to be undertaken prior to any site works and construction.

With respect to water pollution and water quality, the addition of planning conditions requiring a Surface Water Drainage Scheme, Foul Drainage Assessment, details of any discharge to watercourses etc., a Construction Management Plan which includes specific reference to avoiding contamination of watercourses, and land remediation measures will ensure that watercourses and the coast (including Pagham Harbour SPA/Ramsar) are adequately protected from water pollution and that a good level of water quality is maintained.

MINERALS SAFEGUARDING:

The site is in a sharp sand and gravel Mineral Safeguarding Area. In accordance with policy M9 of the West Sussex Joint Minerals Local Plan (2018), proposals for non-mineral development within the Mineral Safeguarded Areas will not be permitted unless under certain criteria, which includes when prior extraction is proposed and when the overriding need for development outweighs the safeguarding of the mineral and it has been demonstrated that prior extraction is not practical or feasible.

Given the site is below 0.5 hectares in size and the proposed development is for less than 10+ units, WSCC Minerals Authority would not need to be consulted as it does not meet their consultation threshold.

and there is no need for a Mineral Resource Assessment, since the economic viability of mineral extraction is assumed to decrease as the site area decreases. It is for the LPA to determine if prior extraction is practical/viable and whether the need for the mineral outweighs the need for housing. In this case, given the proximity of the strategic housing site allocation and its recent permission, for 300 new homes, any use of the application site for minerals extraction would appear unrealistic. The need for development of homes overrides the safeguarding of minerals on the site.

TREES:

Policy ENV DM4 seeks to protect trees with TPOs, identified as Ancient Woodland, in Conservation Areas, or contributing to local amenity. The PNP refers to the importance of retaining trees/hedges.

The applicant provided a Tree & Hedgerow Report and Method Statement. The trees/hedges are on the boundary and the applicant confirms these will not be affected by development and all buildings, parking/access can be accommodated outside Root Protection Areas in or adjacent to the site. The Council's Trees Officer states there are significant trees off-site which could be adversely affected by the development. With the exception of one large roadside tree, there are few trees of obvious constraint to a sympathetic development. Off-site trees to the south have high growth potential and obvious landscape/screening value. It is possible that their roots will overlap the site and must be considered individually in any subsequent Tree Survey. With so much of the site free of significant vegetation, it is expected that a layout would avoid conflict between trees and construction. Retained trees should be afforded room to allow future growth without constraint. The Tree Survey data in the Report and Statement is not comprehensive and has not been prepared by an Arboricultural Consultant.

It is not possible to make a detailed assessment of the impact on trees since detailed layout and landscaping are reserved matters, and only the principle and access are being considered under this application. The Trees Officer confirmed the principle of development is certainly achievable without undue detriment to retained on/off-site trees, subject to further Arboricultural Reports which may include a Method Statement & Tree Protection Plan. It is appropriate that these requirements are added as a planning condition at outline stage. This matter would then be assessed in full at reserved matters stage.

BIODIVERSITY:

Para 170(d) of the NPPF requires decisions to contribute to and enhance the natural and local environment by providing net gains for biodiversity. ALP policy ENV DM5 states development shall seek to achieve a net gain in biodiversity and protect existing habitats on site. Paras 170, 174 and 175 of the NPPF indicates that developments should aim to protect or enhance, minimise impacts, and provide net gains to biodiversity. Net Biodiversity Gain is an important aspect of the Environment Bill and the NPPF. Development needs to avoid impacts on legally protected species, and where this is not possible, mitigation or compensation will be necessary and a Licence from Natural England may be required.

The applicant provided an Ecological Impact Assessment (Dec 2019) with the application. The Council's Ecology Advisor raised no objection on ecology grounds and recommended conditions to protect bats, nesting birds and water voles. In initial comments they confirmed that, in line with Policy ENV DM5 of the Local Plan, information on Biodiversity Net Gain needs to be provided as part of the application prior to determination, and although some biodiversity enhancements were recommended within the EIA, further information was needed to demonstrate what would be included in the scheme. Since those comments the applicant submitted a Biodiversity Enhancement Statement (Aug 2020) and the Council's Ecology Advisor confirmed the enhancements are acceptable and that as part of a Reserved Matters application the applicants will need to provide further information (e.g. Biodiversity Net Gain site plan). A condition has been added requiring the enhancements set out in the EIA and BES to be implemented, and that further information will need to be submitted to and approved by the LPA at reserved matters

stage to ensure the development delivers a Net Biodiversity Gain.

PAGHAM HARBOUR SPA/RAMSAR:

Policy ENV DM2 requires residential developments in a 400m to 5km influencing distance ('Zone B') of Pagham Harbour make a financial contribution towards the provision of accessible natural open green spaces to serve the area in order to mitigate against recreational disturbance impacts on the European protected SPA/Ramsar sites at Pagham Harbour.

The site is in Zone B of Pagham Harbour. Natural England confirmed that the LPA has measures in place (SAMM tariff) to manage these potential recreational disturbance impacts and that, subject to the appropriate financial contribution being secured, NE are satisfied the proposal will mitigate against the potential recreational impacts of the development on protected sites. Notwithstanding this, NE's advice is that the development and the use of measures to avoid/reduce the likely harmful impacts from it may need to be formally checked and confirmed by the Authority, as the competent Authority, via an appropriate assessment in view of the European site's conservation objectives and in accordance with the Conservation of Habitats & Species Regulations 2017 (as amended). NE advise it is a matter for the Authority to decide if an appropriate assessment is necessary in light of the CJEU ruling, and that NE must be consulted on any appropriate assessment the Authority make. NE have comment that, given the land contamination issues that have since come to light, construction impacts should be added to the Appropriate Assessment, with the mitigation measures being the Construction Management Plan and land remediation conditions. The CMP should include reference to surface water quality and measures to avoid contamination of watercourses on or near the application site to protect local ecology and residents.

The Authority undertook a Habitat Regulation Assessment/Screening and an Appropriate Assessment (September 2020), in accordance with the requirements of the Conservation of Habitats & Species Regulations 2017 (as amended). The AA considers the loss of the land to residential development would not result in a loss of supporting habitats for relevant bird species, that without mitigation the recreational disturbance from increased population/visitors would be an impact but that this could be mitigated against by the payment of the SAMM tariff, and without mitigation land contamination and construction impacts could impact water quality and the relevant bird species but that this could be mitigated against by the requirement for land remediation and Construction Management Plan planning conditions. The AA concludes that, with mitigation, the development, in combination with other plans and projects, would not have an Adverse Impact on the integrity of the European protected sites. Natural England confirm that they concur with the appropriate assessment findings, providing all mitigation measures proposed are appropriately secured in any permission given.

Subject to a financial contribution of £5,226 for the 6 dwellings which has been secured through a S106 agreement (16th January 2020) and subject to conditions requiring a CMP and land remediation, the proposals would protect the Pagham Harbour SPA/Ramsar in compliance with the legislation and Local Plan policy ENV DM2.

COMMUNITY INFRASTRUCTURE CONTRIBUTIONS:

Policy INF SP1 of the Local Plan states: 'The Local Planning Authority will support development proposals which provide or contribute towards the infrastructure and services needed to support development (including the necessary infrastructure set out in the Infrastructure Delivery Plan) to meet the needs of occupiers and users of the development and the existing community'.

The CIL amount would be based on floor areas of the houses which would be detailed/calculated at reserved matters stage. Subject to CIL contributions, the proposals would be acceptable in terms of

infrastructure provision and impacts, and would accord with Arun Local Plan policy INF SP1.

SUMMARY:

There is a conflict with Development Plan policies with regard to development outside the BUAB in the countryside. Given the Council's 5 year Housing Land Supply position the 'presumption in favour of sustainable development' is triggered under paragraph 11(d) of the NPPF. The development has been assessed against policies in the NPPF that protect areas of particular importance (including SPAs and Ramsars) and it is concluded the application of these policies does not provide a clear reason for refusing the development. As such, the 'presumption in favour of sustainable development' applies and the principle of development in this countryside location is accepted. Subject to conditions (and S106), the proposals has an acceptable impact with regard to highways, loss of agricultural land, visual and residential amenity, flooding and drainage, land contamination and water quality, minerals safeguarding, landscaping, trees, biodiversity, and Pagham Harbour protected habitat sites.

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), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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

A S106 access management contribution to the sum of £5,226 has been agreed towards the cost of delivering measures to avoid, or mitigate to an acceptable level, the harm caused to Pagham Harbour.

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 3 years

beginning with the date of this permission:-

- (a) Layout;
- (b) Scale;
- (c) Appearance;
- (d) 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 5 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 insofar as they relate to the matters being approved by the application:

- Location Plan 2019/26/02
- Block/Site Layout Plan 2019/26/01 Rev A (approved in so far as it relates to access)
- Proposed Site Access Arrangements 01
- Proposed Site Access Visibility Splay 02
- Proposed Site Access TR02
- Proposed Site Access TR03
- Proposed Site Access TR04

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with relevant policies of the Arun Local Plan.

- 4 Prior to commencement of development, the preservation of the soil on site (to include bringing top and sub soil back onto the site post-decontamination and incorporating the soil into the soft planting and tree/hedge planting) must be undertaken in accordance with the mitigation measures set out in the following document:

- Site Investigation-Land adjacent to Sefter School House (undertaken by Constructive Evaluation, dated 03/02/2020)

Reason: To ensure that soils of high grade agricultural land are preserved as a resource, in accordance with policy SO DM1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition to ensure that soils are preserved prior to construction works commencing.

- 5 No construction activities shall take place, other than between 08:00 to 18:00 hours (Monday to Friday) and 08:00 to 13:00 hours (Saturday) with no noisy working activities on Sunday or Bank Holidays.

Reason: To protect the amenity of local residents in accordance with the NPPF and policy QE SP1 and QE DM1 of the Arun Local Plan.

- 6 The use of the access shall not commence until visibility splays of 2.4 x 94m and 2.4 x 120m have been provided at the proposed site vehicular access onto Sefter Road in accordance with plans and details submitted to the Local Planning Authority. The splays shall be maintained and kept free of all obstructions over a height of 0.6m above adjoining carriageway

level or as otherwise agreed.

Reason: In the interests of highways safety, in accordance with the NPPF and policies T SP1 and T DM1 of the Arun Local Plan.

- 7 The use of the proposed access shall not commence until the Existing Access has been closed off in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highways safety, to accord with the NPPF and policies T SP1 and T DM1 of the Arun Local Plan.

- 8 The use of the car parking space(s) shall not commence until the vehicular access has been constructed in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highways safety, to accord with the NPPF and policies T SP1 and T DM1 of the Arun Local Plan.

- 9 Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and winter Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage. No building / No part of the extended building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

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

- 10 The development shall not proceed until details have been submitted to and approved in writing by the Local Planning Authority for any proposals: to discharge flows to watercourses; or for the culverting, diversion, infilling or obstruction of any watercourse on or adjacent to the site. Any discharge to a watercourse must be at a rate no greater than the pre-development run-off values. No construction is permitted, which will restrict current and future land owners from undertaking their riparian maintenance responsibilities in respect to any watercourse or culvert on or adjacent to the site.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan. And to ensure that the duties and responsibilities, as required under the Land Drainage Act 1991, and amended by the Flood and Water Management Act 2010, can be fulfilled without additional impediment following the development completion. It is considered necessary for this to be a pre-commencement condition to protect existing watercourses prior to the construction commencing.

- 11 Development shall not commence until full details of the maintenance and management of the surface water drainage system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include details of

financial management and arrangements for the replacement of major components at the end of the manufacturer's recommended design life. Upon completed construction of the surface water drainage system, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with polices W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition to ensure that the future maintenance and funding arrangements for the surface water disposal scheme are agreed before construction commences.

- 12 Development shall not commence until full details of the proposed foul water disposal, in the form of a Foul Drainage Assessment (FDA), are submitted to and approved in writing by the Local Planning Authority. The FDA is to include the applicant's justification for non-connection to the mains public sewer, and details of the proposed sewer package treatment plan, and the means of discharge.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with polices W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition to ensure that the foul water disposal scheme are agreed before construction commences.

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

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

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

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

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

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

The scheme shall be implemented as approved above and, prior to commencement of any construction work (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a Verification Report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of that remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved

verification plan to demonstrate that the site remediation criteria have been met. The report shall also include a long-term monitoring and maintenance plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification report, and for the reporting of this in writing to the Local Planning Authority.

Reason: To protect the amenity of local residents and future occupants of the dwelling in accordance with Policy QE DM4 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition to ensure that any contaminated land is appropriately remediated prior to construction works commencing.

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

An indicative programme for carrying out of the works;
Details of the arrangements for public engagement / consultation both prior to and continued liaison during the construction works;
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);
Details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination;
The parking of vehicles of site operatives and visitors;
Loading and unloading of plant and materials, including permitted times for deliveries;
Storage of plant and materials used in constructing the development;
The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
The provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulations Orders);
Measures to control the emission of dust and dirt during construction;
A scheme for recycling / disposing of waste resulting from demolition and construction works i.e. no burning permitted.
Measures to avoid contamination of ditches/watercourses on or near the application site.

Reason: To protect the amenity of local residents, water quality and local ecology, in accordance with Policies QE SP1, QE DM1, QE DM2, QE DM3, QE DM4, W SP1, W DM1, ENV DM2 and ENV DM5 of the Adopted Arun Local Plan. This condition is required to be pre-commencement so the protection of the amenity of local residents as a result of the construction works is ensured prior to the start of construction works.

- 15 Prior to commencement of development, the applicants will need to employ the services of an Arboricultural Consultant to carry out a tree survey exercise and then prepare an Arboricultural Impact Assessment (AIA) which must be inclusive of; a 'Tree Survey Schedule', a 'Root Protection Area (RPA) Schedule' and a 'Tree Constraints Plan'. An Arboricultural Method Statement (AMS) must also be prepared, inclusive of a Tree Protection Plan, defining which trees are to be retained and which trees are to be removed and how they would propose to protect the retained trees and if necessary mitigate any adverse impact on the root systems of these trees - thus complying with the recommendations of BS5837:2012. These Reports must be submitted to and approved in writing by the Local Planning Authority, prior to commencement of development.

Reason: To ensure adequate protection of trees and hedgerows on or near the site, in the interests of amenity and local wildlife, and in accordance with policy ENV 4 of the Arun Local Plan. It is necessary for this to be a pre-commencement condition to ensure that trees and hedgerows are protected as necessary prior to construction works commencing.

- 16 No external lighting shall be installed until details have been submitted to, and approved in writing by the Local Planning Authority prior to the commencement of the development. This submission shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles). The approved scheme shall be installed, fully assessed by a competent individual when operational to ensure no light creep / bleed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

Reason: To protect the appearance of the area / the environment and wildlife / local residents from light pollution, in accordance with legislation, the NPPF and policies D SP1, D DM1, LAN DM1, ENV DM5, QE SP1 and QE DM2 of the Arun Local Plan.

- 17 Prior to commencement of development, a buffer strip (of 5m) with protective fencing around the existing hedging must be installed and maintained in situ for the duration of the construction works.

Reason: To protect local wildlife and protected species, in accordance with the relevant legislation and policy ENV DM5 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to ensure adequate protection of wildlife and protected species is in place prior to commencing any construction works.

- 18 Prior to commencement of development, a buffer strip (of 5m) with protective fencing around the existing watercourse/ditch bank on site must be installed and maintained in situ for the duration of the construction works. If any works need to take place in this area a full Mitigation Strategy to protect water voles will be required to be submitted to and approved in writing by the Local Planning Authority before such works commence.

Reason: To protect local wildlife and protected species, in accordance with the relevant legislation and policy ENV DM5 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to ensure adequate protection of wildlife and protected species is in place prior to commencing any construction works.

- 19 Any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season which takes place between 1st March - 1st October. If works are required within this time an ecologist will need to check the site before any works take place (within 24 hours of any work).

Reason: To protect local wildlife and protected species, in accordance with the relevant legislation and policy ENV DM5 of the Arun Local Plan.

- 20 The biodiversity enhancements set out in the EIA (prepared by Lizard, dated 18/12/19) and the Biodiversity Enhancement Statement (prepared by E Lawrence Planning, received 07/08/2020) must be implemented. Further information (to include an annotated site plan showing siting, scale and nature of proposed biodiversity enhancement measures) will be required to be submitted to and approved by the Local Planning Authority at reserved matters stage.

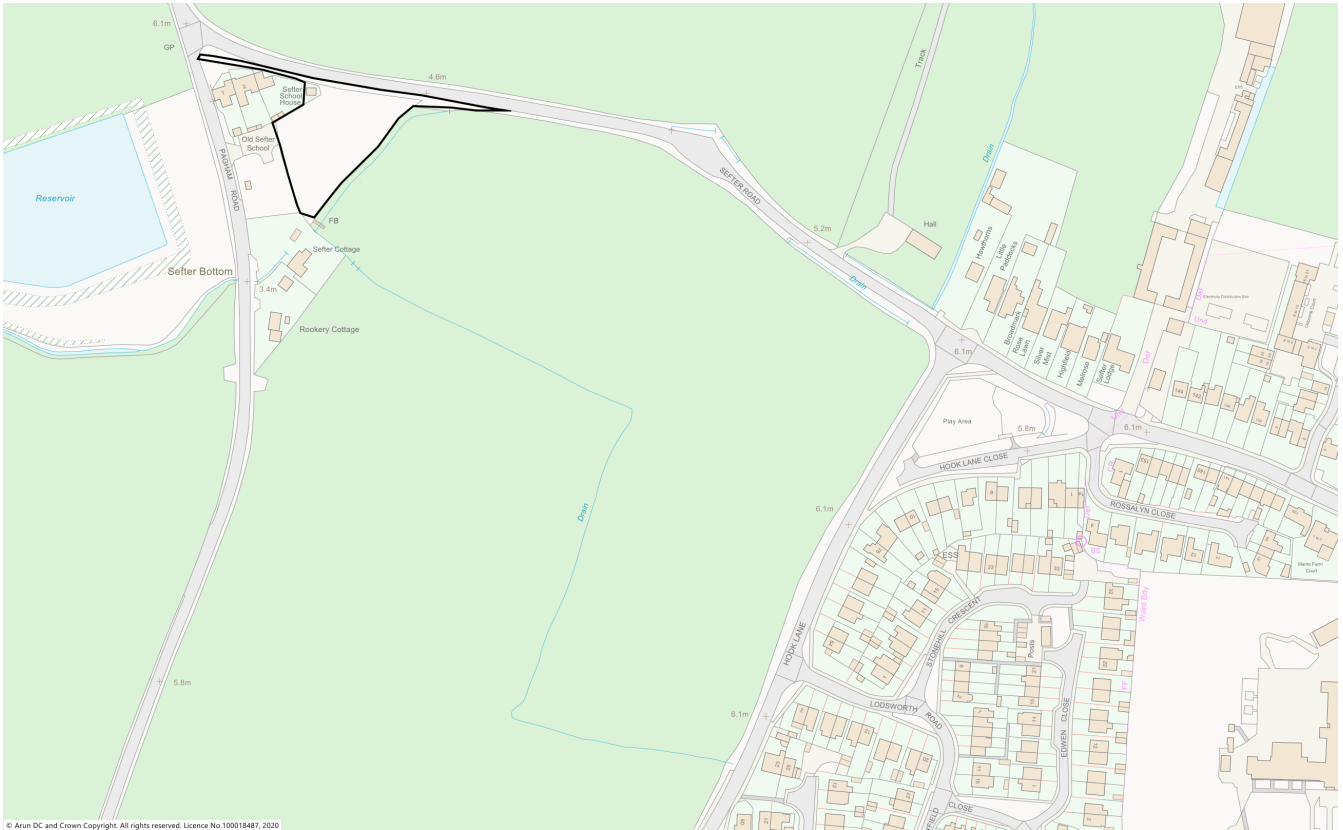
Reason: To ensure the proposals would result in a Net Biodiversity Gain, in accordance with the Environment Bill and policy ENV DM5 of the Arun Local Plan.

- 21 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 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.
- 22 INFORMATIVE: Section 278 Agreement of the 1980 Highways Act - Works within the Highway The Local Highways Authority (LHA) advises the applicant to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant should note that it is an offence to undertake any works within the highway prior to the agreement being in place.
- 23 INFORMATIVE: Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 40% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers.
- Supplementary guidance notes regarding surface water drainage are located here <https://www.arun.gov.uk/surfacewater> on Arun District Councils website. A surface water drainage checklist is available here: <https://www.arun.gov.uk/drainagechecklist> on Arun District Councils website, this should be submitted with a Discharge of Conditions Application.
- 24 INFORMATIVE: Under Section 23 of the Land Drainage Act 1991 Land Drainage Consent must be sought from the Lead Local Flood Authority (West Sussex County Council), or its agent (Arun District Council land.drainage@arun.gov.uk), prior to starting any works (temporary or permanent) that affect the flow of water in an ordinary watercourse. Such works may include culverting, channel diversion, discharge of flows, connections, headwalls and the installation of trash screens. The development layout must take account of any existing watercourses (open or culverted) to ensure that future access for maintenance is not restricted. No development is permitted within 3m of the bank of an ordinary watercourse, or 3m of a culverted ordinary watercourse.
- 25 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement (dated 16th January 2020) relating to a financial contribution of £5,226 towards the Pagham Harbour Access Management Mitigation Measures.
- 26 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 our New Connections Services Charging Arrangements documents which is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructurecharges>.

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.

P/116/19/OUT - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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