

REPORT UPDATE

Application No: A/169/17/OUT

Reason for the Update / Changes

Reason for Update/Changes:

1] Objection received from Angmering Parish Council:

- Site is not suitable for the type and size of development proposed in the application;
- Concerns regarding highway access, the inevitable increase in traffic, density and the imposition of additional load on the A259 roundabouts at The Body Shop and Golfers Lane.

Disappointed that these grounds have not been acknowledged or addressed in the renewed application.

2] 23 No. letters of objection received:

DESIGN AND VISUAL AMENITY

- Development is too close to the road.
- The area is being spoilt by unnecessary ugly development and people will not want to live here in the future.
- Proposed development will appear out of character with the local area.
- The proposed development will be isolated and unconnected to other residential areas.

RESIDENTIAL AMENITY

- Proposed development will result in the loss of privacy in back garden.

HIGHWAYS

- Proposal will increase traffic and further increase congestion on the A259.
- Rustington is constantly full took 15 minutes to find a parking space.
- No access to public transport along A259.
- The roads are already congested in the surrounding area.
- The high speed of the dual carriageway is dangerous due to visibility.

DRAINAGE

- The site is prone to flooding and any mitigation will adversely impact upon surrounding uses.

POLLUTION

- The site is adjacent to the A259 putting future residents at risk of air and particulate pollution.

GENERAL

- The infrastructure is not in place to support the proposed development (Schools, Doctors etc.).
- The site is not identified as a strategic site in the emerging Arun District Local Plan.
- The application site is not located in a sustainable location.
- The dementia care home is situated in an inappropriate location between a dual carriageway and a railway line.
- The proposed railway bridge will exit onto Penfold Lane and I have concerns regarding safety.
- Penfold's Lane is unsuitable for the level of pedestrian traffic that this development would create.
- No need for development in this area.
- The main railway line has no barrier and having residents so close to this is an accident waiting to

happen.

- Schools have already increase capacity and there is no room for additional growth.
- Is another care home necessary in an area which already has a lot of care homes.
- The railway crossing will be a danger to the young and elderly.
- No footpaths linking the development with other communities.
- The site would be more suited to an employment zone.
- Proposal is situated outside of the built area boundary.

NON-MATERIAL

- Proposed development will impact on views from existing properties to the south of the railway line.
- The development is only in the interests of the developer and profit.
- Proposed development will result in loss of property price.
- How will a care home find staff in this area.

3] An additional obligation has been proposed by the applicant for inclusion in the Unilateral Undertaking. The proposed obligation will state;

4] The Council's Greenspace Department provided comments on the 13th November 2017. This consultation response reiterated the points previously raised under reference A/44/17/OUT.

"In the event that a footpath crossing the adjoining property to the east of Brook Lane linking the Development to the footpath on Manor Retail Park is not provided within three years of the date of Commencement of the first Residential Phase then the Owners shall construct and provide a footpath to connect the Development with Manor Retail Park. The footpath shall follow a route along Brook Lane and the A259 which connects the footpath network on the Development to the footpath installed on Manor Retail Park, the approximate route of which footpath is indicated on the drawing number SPRUST(BROOK LANE).1/05 Rev A attached to this Deed or along such other route as the County Council may approve and be constructed in accordance with a specification to be approved by the County Council."

Officers Comment:

1 & 2] The additional points of objections raised by Angmering Parish Council and nearby residents have been taken into account in the recommendation report prepared for this application.

3] The proposed obligation is considered acceptable and will secure a pedestrian link to Manor Retail Park should the neighbouring development not come forward - this will further enhance the sustainability of the site. However, it is considered that Condition 6 relating to the provision of a pedestrian link to the eastern boundary of the site must be retained to ensure that should the site to the east come forward that a pedestrian link between the sites is provided.

4] A summary of the original consultation response to A/44/17/OUT by Greenspace was included in the recommendation report. Therefore, an additional summary of their comments was not required.

Note: The changes to the S106 Heads of Terms are shown in bold on the attached form.

Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report.

Recommendation Report for Outline Consent

REF NO: A/169/17/OUT

LOCATION: Land west of Brook Lane &
South of A259
Angmering

PROPOSAL: Outline application with all matters reserved for demolition of existing buildings on site & erection of a mixed use development comprising up to 90 No. residential units, a care home (Use Class C2 & C3) & ancillary facilities including railway crossing, together with associated access, car parking & landscaping (resubmission following A/44/17/OUT). This application is a Departure from the Development Plan & lies within the parishes of Littlehampton & Rustington.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks outline permission for the construction of up to 90 dwellings and a 72 unit residential care home (use classes C2 & C3). This application is a resubmission following the refusal of application A/44/17/OUT.
SITE AREA	Approximately 5.9 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	Approximately 27.5 dwellings per hectare.
TOPOGRAPHY	The topography of the site is predominantly flat but is set at a lower level than the A259 to the north.
TREES	The site, due to its largely undeveloped nature, features a number of mature trees and hedgerows. The Council's Tree Officer has undertaken an assessment of the site and proposed that 15 individual Tree Preservation Orders (TPO) and 3 group TPO are places on the site.
BOUNDARY TREATMENT	The site boundaries consists predominantly of mature trees and hedgerows.
SITE CHARACTERISTICS	The site is situated to the south of the A259 and to the west of Brook Lane. It is accessed directly from the A259 and falls within both Angmering Parish as well as Littlehampton, with the proposed railway bridge providing direct access to Rustington (situated to the south of the site). The site is largely undeveloped and has historically been used as grazing land. The site currently features a detached dwelling and an old stables which is the subject of a personal planning approval for the siting of two caravans for use by travellers. The site is largely situated within flood zone 1, with an area measuring approximately 0.6ha in the south-eastern corner falling within flood zone 2 and an area approximately 0.2ha identified as flood zone 3.
CHARACTER OF LOCALITY	The character of the locality is varied with the A259 abutting the northern boundary of the application site. Land immediate

to the east is currently undeveloped but is the subject of a planning application for the construction of an A1 retail unit as well as an A3/A4 unit. Further east is Manor Retail park. The railway line runs along the southern boundary of the site with a residential estate located to the south along with an allotment. A mixture of commercial uses are located to the south-east.

RELEVANT SITE HISTORY

A/44/17/OUT	Outline application (with all matters reserved) for demolition of existing buildings on site and the erection of a mixed use development comprising up to 90No. residential units and a care home (Use Class C2 and C3) & ancillary facilities, including railway crossing, together with associated access, car parking & landscaping. Departure from the Development Plan. This application also falls within the parishes of Littlehampton & Rustington.	Refused 29-08-17
A/116/10/CLE	Application for a Certificate of Lawfulness for an existing use as Class C3 residential.	Approve 15-10-10
A/37/04/	Renewal of temporary permission A/12/02 for use of land for the stationing of 1 x mobile home	ApproveConditionally 06-05-04
A/12/02/	Renewal of temporary planning permission A/96/98 for use of land for the stationing of 1 no mobile home (Departure from the Development Plan)	App Cond with S106 16-04-02
A/96/98/	Use of land for the stationing of 1 no. mobile home.	ApproveConditionally 09-06-99

Personal planning permissions were granted under references A/101/96 and A/96/98 for the stationing of a total of 2 residential caravans on a portion of the application site. Whilst these applications conflicted with countryside policies the LPA gave consideration to the personal circumstances of the applicants and their Gypsy/Traveller status and as such granted permission.

Planning permission was refused under reference A/44/17/OUT for the same scheme as is now proposed for the following reasons;

1. The proposed development by reason of its location is considered not to provide suitable access to public transport opportunities contrary to policies GEN7(iii) of the Arun District Local Plan; and Paragraphs 17 and 35 of the National Planning Policy Framework.

2. The development by virtue of its proximity to the railway line would result in an unacceptable risk to the safety of the future occupiers of the site contrary to policy GEN7(v) of the Arun District Local Plan.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Angmering Parish Council

Rustington Parish Council

Angmering Parish Council:

Comments awaited and once received will be presented as a report update.

Littlehampton Town Council:

Objection -

- Dementia care homes location between dual carriageway and railway line is inappropriate.
- Impact of noise from the A259 on residential amenity needs consideration.
- Acoustics report fails to consider impact of A259 on first floor accommodation and housing design should incorporate measures to mitigate this.
- Consideration could be given to maximising the use of renewable energy to mitigate additional energy requirements from installing air conditioning.
- Noise and pollution in the gardens of the proposed dwellings and whether the acoustic barrier was sufficient to mitigate this.
- Proposed access to the development is concerning given that the A259 is already under considerable pressure.
- This section of the A259 would effectively become a single lane road for through traffic with vehicles accelerating and decelerating into the new junctions.
- It is difficult to see how all of the proposed new development in this area would not adversely impact upon the safe operation of the highways network.
- The railway bridge is considered essential and should be as accessible as possible.
- It was observed that a new footway/cycle path was proposed from the western end of Brookfield Park into the site rather than along the A259 connecting with the Body Shop roundabout. This raises serious concerns about safety and security in the hours of darkness.
- The site appeared to have established Gypsy Traveller status, there was no mention of this or how alternative provision would be accommodated if the site was developed.
- It was also noted when viewed from the railway line the parts of the site appeared to be flooded.
- Members feel it imperative to design the site to accommodate this water and preserve and enhance the diverse ecology at the site.
- It is also crucial that a scheme is designed and agreed with Southern Water to deal with waste water in advance of development commencing.
- Whilst, members did not object to the principle of the site being suitable for development, it was considered that there were considerable hurdles to overcome before they could be supportive of the plans.
- Additional pressure on nearby highway junctions by virtue of the developments location.

Rustington Parish Council:

No Objection -

- The proposal will result in an increase in traffic levels/flows as a result of not only this development but other proposed development which will cause congestion and will add to the hazards of the highway users in the vicinity.
- The proposal will generate an unacceptable increase in vehicular traffic entering and leaving the public

highway to the detriment of highway safety, and will result in an excessive amount of development being dependant on a single point of access.

- The increased use of Brook Lane for the proposed development will result in a major adverse effect on the traffic flows on the A259 which already has congestion at peak times.
- The proposed creation of an additional access in Planning Application A/11/17/OUT to and from the A259 and the increase use of Brook Lane by this application causing vehicles to be accelerating and decelerating at a further two points along this stretch of road will be a hazard to road users and is totally unacceptable.
- It would be a sensible approach and certainly most beneficial if the applicants for this proposal and A/11/17/OUT could work together to achieve an enhanced single point of access which would alleviate the impact on the highway traffic infrastructure.
- The construction of a footbridge across the railway line is imperative in the interest of health and safety and would need to be a strict condition of any approval granted, which would have to be implemented without any further discussion or negotiation by any prospective future occupiers. There must be no legal loophole which would allow a developer to avoid providing this footbridge at a future date. There have been a large number of fatalities at this location in the past and in the interests of the safety of pedestrians wanting to access the development from the public right of way from either Brook Lane or Penfold Lane. No permission should be granted without the undertaking to construct this footbridge.
- Improvements would be crucial to Penfold Lane, a public footpath currently in a very poor state of repair. The Local Planning Authority is, therefore, urged to ensure that financial contribution is secured jointly from both the applicants for A/11/17/OUT and this application.
- The impact of noise from the A259 would be unacceptable and would exceed acceptable limits.
- The proposal by virtue of its location outside of the Built up Area Boundary and in Flood Zone 1, is in conflict with policies contained within the Local Plan.
- The proposed development will put excessive pressure on an already over-loaded sewerage and drainage system.

In respect of the Travel Plan the following observations are made;

- Only part of Rustington is accessible by foot from the site.
- The provision of a new footpath/cycle path/bridge over the railway line will only be of benefit if Penfold Lane is accessible to cycles, prams, pushchairs and mobility type scooters. Currently, the surface is extremely hazardous as it is uneven with major pot holes throughout and overgrown vegetation along both the east and west boundaries.
- It is stated that the new site is in close proximity to numerous essential amenities, including the nearest primary school which is 1.9km from the site. The Travel Plan is therefore surely incorrect to assume most trips by parents and pupils will be on foot, by cycle or by bus.
- Rustington has initiated a six-month trial bus service which commenced in September 2017, the replace the No. 12 bus which ceased in April 2017. There is no guarantee that this will continue without funding from the responsible Local Authorities at the end of the trial period.
- The base data and predictions show bus statistics in peak travel time which, without any current bus services, are unworkable. The Travel Plan objectives would be difficult, if not impossible to achieve, without the provision or financial contribution to a sustainable bus service which would satisfy the NPPF.

Letters of Representation:

None received - any comments received prior to 15th November 2017 will be provided as a report update.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments from the Parish Council's are noted and will be considered in the conclusion to this report.

CONSULTATIONS

WSCC Strategic Planning
 Archaeology Advisor
 Sussex Police-Community Safety
 Highways England
 Environment Agency
 Ecology Advisor
 Environmental Health
 Planning and Housing Strategy
 Parks and Landscapes
 Economic Regeneration
 Natural England
 Arboriculturist
 Highways England
 Engineering Services Manager
 Engineers (Drainage)
 Southern Water Planning
 NHS Coastal West Sussex CCG
 Surface Water Drainage Team
 WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:**ECONOMIC DEVELOPMENT**

- No objection to this application.
- We would ask that the developer signs the Arun Developer and Partner Charter, produces and implements a meaningful Work and Skills Plan and also works to encourage local companies to be part of their supply chain. We would be willing to assist with an event to encourage all of these.

HOUSING STRATEGY AND ENABLING

- No objection
- The applicants have produced an Affordable Housing Statement setting out the details of a policy compliant scheme which meets the requirements of the Council's Affordable Housing Policy by Providing 30% (27 units) affordable housing on-site as part of the development.
- As this is an outline application I am satisfied that the details of the tenure, dwelling type/size and location of the 27 on-site affordable dwellings can be agreed as part of a subsequent reserved matters application and secured via S106 Agreement.

ECOLOGY

- Following submission of Bat Survey Results and Mitigation Plan for the farm house (May 2017) we are happy that the mitigation proposed would be suitable. At reserved matters stage this mitigation strategy will need to be updated following the further survey work currently being undertaken. A condition should be used to ensure that this takes place.
- The applicants should be aware that a Natural England Species Licence will be required for the works, and this will need to be obtained prior to any works taking place.

- The Preliminary Ecology Report Appraisal identifies that the garage on site also has the potential for roosting bats. Unless this building is being retained we will also require that bat emergency survey are undertaken on this building by a suitably qualified ecologist during the active breeding period (May-September).
- The two trees (English Walnut and English Oak) have been identified as being suitable for bat roosting. Currently these trees are being retained but should this change and any works are required to the trees then further bat emergence surveys will be required.
- The lighting scheme for the site will need to take into consideration the presence of bats in the local area and the scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding.
- The hedgerows on site are used by bats for commuting and foraging and will need to be retained and enhanced for bats.
- Following submission of the 'Water Vole Mitigation and Method Statement - May 2017' it is considered that the proposed mitigation is suitable.
- The mitigation measures proposed by the 'Reptile Survey (2017)' are suitable and should be conditioned.
- Prior to commencement a badger survey should be undertaken to ensure badgers are not using the site.
- Works to trees or vegetation clearance on the site should be undertaken outside of the bird breeding season (1st March - 1st October). If works are carried out within this time an ecologist will need to check the site before any works take place (within 24 hours).

NATURAL ENGLAND

- No objection - based on plans submitted, Natural England considers that the proposed developments will not have significant adverse impacts on designated sites and has no objection. We refer back to our response of 7th April 2017 (A/44/17/OUT) for further detail.

HIGHWAYS ENGLAND

- The applicant's consultant provided traffic information in support of A/44/17/OUT on 2nd May 2017 which demonstrated that the trips generated would be of a level that will not materially affect the safety and/or operation of the SRN.
- Highways England offered no objection to that planning application. As the traffic information for A/44/17/OUT is still applicable to the current application, reference A/169/17/OUT, we do not offer any objections or requirements relating to the proposal.

EMERGENCY PLANNING OFFICER

- No comment.

ENGINEERS (DRAINAGE)

- Please apply standard conditions ENGD2B, ENGD3A, ENGD4A, ENGD5A, ENGD5B and ENGD6A.

WSCC PLANNING SERVICES

- The application is a resubmission of A/44/17/OUT, it does not appear that any additional information has been provided and as such our comments remain unaltered.
- Revised modelling has been provided by the applicant for the A259/B2187 Body Shop, the results of which detail sufficient capacity at the junction to accommodate the impacts of the development.
- Improvements to the rights of way within the site should be extended to the full extent of the site and an obligation should be included to secure the provision of a new pedestrian and cycle bridge over the railway and improvements to PROW 2159 Penfold Lane south of the railway line; PROW 2159 to the west of the site; PROW 2158 between Penfold Lane and Brookside Avenue; and PROW 2160 to the north of the site.

- Conditions requested.

WSCC LOCAL DEVELOPMENT DIVISION: S106 Consultation Response

- Contributions requested towards School, Library and Fire & Rescue Infrastructure.

WSCC FLOOD RISK MANAGEMENT:

- Modelled surface water flood risk - Low risk
- Modelled groundwater flood risk susceptibility - Moderate risk
- Records of any historic flood within the site - No
- Ordinary watercourses nearby - Yes
- The Flood Risk Assessment included with this application proposes that permeable paving, attenuation via ponds and below ground storage with restricted discharge to the watercourse would be used to control the surface water runoff from the site in line with existing Greenfield run-off rates. Subject to infiltration testing/groundwater monitoring, this method would in principle, meet the requirements of the NPPF, PPG and associated guidance documents.

ENVIRONMENT AGENCY

- The proposed development will only meet the requirements of the National Planning Policy Framework if the following measure(s) as detailed in the Flood Risk Assessment (March 2017) submitted with this application are implemented and secured by way of a planning condition on any planning permission.
- Condition proposed to secure this.

SOUTHERN WATER

- The results of an initial desk top study indicates that Southern Water currently cannot accommodate the needs of this application without the development providing additional local infrastructure. The proposed development would increase flows into the wastewater sewerage system and as a result increase the risk of flooding in and around the existing area, contrary to paragraph 109 of the National Planning Policy Framework.
- Should the Local Planning Authority be minded to approve the application, Southern Water would like the following condition to be attached to any permission. "Development shall not commence until a drainage strategy detailing the proposed means of foul disposal and a implementation timetable, has been submitted to and approved in writing by, the local planning authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable."
- Informative requested.

SUSSEX POLICE

- I refer to our previous crime prevention advice letter for the development dated 18th April 2017 in regard to outline planning application (A/44/17/OUT). The advice remains extant.
- No objection received and no contribution requested due to the size of the scheme and pooling restrictions.

NHS - Coastal West Sussex Clinical Commissioning Group

- Contribution of £157,313 requested for 'The Coppice GP Surgery' for the infrastructure needs of managing GP consultant Health Care.

NETWORK RAIL

- The developer must ensure that their proposal, both during construction and after completion of works on site, does not;
 - encroach onto Network Rail land
 - affected the safety, operation or integrity of the company's railway and its infrastructure
 - undermine its support zone

- damage the company's infrastructure
- place additional load on cuttings
- adversely affect any railway land or structure
- over-sail or encroach upon the air-space of any Network Rail land
- cause to obstruct or interfere with any works or proposed works or Network Rail development both now or in the future
- Network Rail strongly recommends the developer contacts assetprotectionsussex@networkrail.co.uk prior to any works commencing on site, and also to agree an Asset Protection Agreement with us to enable approval of details works. More information can also be obtained from our website www.networkrail.co.uk/asp/1538.aspx.

TREE OFFICER

No comments received. Previous conditions requested under reference A/44/17/OUT applied.

ENVIRONMENTAL HEALTH

No comments received. Previous comments on planning application A/44/17/OUT applied and summarised below:

- No objections to this application so long as those conditions noted in the report ref 'ADC Acoustics ARR/PPN/C/2489.05 - 10th May 2017' are properly implemented.
- Conditions also requested.

GREENSPACE

No comments received. Previous comments on planning application A/44/17/OUT applied and summarised below:

- Fields in Trust guidelines (FIT) would suggest that 0.69Ha should be provided for the 90 residential units. The care home aspect of this proposal would also require open space more tailored for the usage of that facility.
- With the number of residential dwellings being proposed this would trigger the requirement for onsite play provision and Multi Use Games Area (MUGA) contribution in addition to the landscapes open space areas.
- Details of this will need to be provided to and approved by the LPA. Details of the maintenance provision to be provided and commuted sum payments required towards the maintenance of open spaces where these are provided on site and if taken on by the LPA.
- Comments also received in relation to Landscaping, Arboriculture and Biodiversity/Ecology.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and relevant conditions and informatives included as part of the recommendation report.

POLICY CONTEXT

Designation applicable to site:
Outside built area boundary
Right of Way

DEVELOPMENT PLAN POLICES

[Arun District Local Plan \(2003\):](#)

GEN12	Parking in New Development
GEN18	Crime Prevention
GEN2	Built-up Area Boundary

GEN23	The Water Environment
GEN28	Trees and Woodlands
GEN29	Nature and Conservation Across the District
GEN3	Protection of the Countryside
GEN32	Noise Pollution
GEN33	Light Pollution
GEN34	Air Pollution
GEN8	Development and the Provision of Infrastructure
GEN9	Foul and Surface Water Drainage

Publication Version of the Local Plan (October 2014):

C SP1	Countryside
D DM1	Aspects of Form and Design Quality
D SP1	Design
ECC DM1	Renewable Energy
ENV SP1	Natural Environment
H DM1	Housing Mix
HER DM4	Areas of Special Character
HER DM5	Remnants of the Portsmouth and Arundel Canal
H SP2	Affordable Housing
H SP5	Traveller & Travelling Showpeople Accommodation
LAN DM1	Protection of Landscape Character
QE DM1	Noise Pollution
QE DM2	Light Pollution
QE DM3	Air Pollution
QE SP1	Quality of the Environment
SD SP1	Sustainable Development
SD SP2	Built -Up Area Boundary
T DM1	Sustainable Travel and Public Rights of Way
W DM1	Water Supply & Quality
W DM2	Flood Risk
W DM3	Sustainable Urban Drainage Systems
W SP1	Water

Angmering Neighbourhood Plan 2014 POLICY EH2 Protect the Landscape setting of the South Downs National Park

Angmering Neighbourhood Plan 2014 POLICY EH3	Flood Prevention
Angmering Neighbourhood Plan 2014 POLICY HD1	Built-up Area Boundary
Angmering Neighbourhood Plan 2014 POLICY HD2	Parish Housing Allocation
Angmering Neighbourhood Plan 2014 POLICY HD3	Housing Mix
Angmering Neighbourhood Plan 2014 POLICY HD4	Materials
Angmering Neighbourhood Plan 2014 POLICY HD5	Built Form

Angmering Neighbourhood Plan 2014 POLICY HD6	Housing Layout & Design
Angmering Neighbourhood Plan 2014 POLICY HD7	Housing Density
Angmering Neighbourhood Plan 2014 POLICY HD8	Parking for New Developments
Angmering Neighbourhood Plan 2014 POLICY HD9	Phasing of Residential Development
Angmering Neighbourhood Plan 2014 POLICY TM2	Cycling Walking & Equestrian
Littlehampton Neighbourhood Plan 2014 Policy 1	The Presumption in Favour of Sustainable Development
Littlehampton Neighbourhood Plan 2014 Policy 2	A Spatial Plan for the Town
Littlehampton Neighbourhood Plan 2014 Policy 22	Design of New Development
Rustington Neighbourhood Plan 2014 Policy 2	Housing Design
Rustington Neighbourhood Plan 2014 Policy 4	Sustainable Drainage

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
PPTS	Planning Policy for Traveller Sites

SUPPLEMENTARY POLICY GUIDANCE:

SPD1	Open Space & Recreation Standards
SPD6	Archaeology

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

A new local plan is in preparation and is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification. The examination was completed in September 2017.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-

submission consultation (Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

The Angmering, Rustington and Littlehampton Neighbourhood Plans have been made and as such policies EH2, EH3, HD2, HD3, HD4, HD5, HD6, HD7, HD8, HD9 and TM2 of the Angmering Neighbourhood Plan; policies 2 and 4 of the Rustington Neighbourhood Plan; and policies 2 and 22 of the Littlehampton Neighbourhood Plan.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to conflict with relevant Development Plan policies in that it would be situated outside of the built up area boundary. However there are other material considerations that justify the officer recommendation to approve the application.

OTHER MATERIAL CONSIDERATIONS

Decision makers may find themselves considering applications in an area with a Neighbourhood Plan that has passed referendum and been "made", and thus forms part of the development plan, but where the local planning authority cannot demonstrate a suitable supply of deliverable housing sites. In such instances paragraph 49 of the Framework is clear that "relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites." Paragraph 49 applies to policies in the statutory development plan documents which have been adopted or approved in relation to a local planning authority area. It also applies to policies in made Neighbourhood Plans.

Where the development plan is absent, silent or the relevant policies are out of date, paragraph 14 of the Framework states that the presumption in favour of sustainable development requires the granting of planning permission, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.

In this situation, when assessing the adverse impacts of the proposal against the policies in the Framework as a whole, decision makers should include within their assessment those policies in the

Framework that deal with neighbourhood planning.

This includes paragraphs 183-185 of the Framework; and paragraph 198 which states that where a planning application conflicts with a Neighbourhood Plan that has been brought into force, planning permission should not normally be granted.

The written ministerial statement of the 13th December 2016 states that Neighbourhood Plan policies relating to the supply of housing should not be considered 'out-of-date' under paragraph 49 of the NPPF when all of the following circumstances arise;

- this written ministerial statement is less than 2 years old, or the neighbourhood plan has been part of the development plan for 2 years or less;
- the neighbourhood plan allocates sites for housing; and
- the local planning authority can demonstrate a three-year supply of deliverable housing sites.

Taking the above into consideration other material considerations are such that the recommendation of approval for this planning application is justified.

CONCLUSIONS

BACKGROUND

This application is a resubmission following the refusal of planning application A/44/17/OUT by Development Control Committee on the 23rd August 2017. The previous application was refused for the below reasons;

1. The proposed development by reason of its location is considered not to provide suitable access to public transport opportunities contrary to policies GEN7(iii) of the Arun District Local Plan; and Paragraphs 17 and 35 of the National Planning Policy Framework.
2. The development by virtue of its proximity to the railway line would result in an unacceptable risk to the safety of the future occupiers of the site contrary to policy GEN7(v) of the Arun District Local Plan.

The proposal is largely unchanged from that previously considered by the Development Control Committee on the 23rd August 2017. However, in order to address the two refusal reasons the applicant has provided further details concerning the proposed boundary screening for the site and also made provision of a bus stop on site.

PRINCIPLE

The application site falls within the parishes of Angmering, Littlehampton and Rustington. Therefore, the development plan for the determination of this application will comprise of the Arun District Local Plan (2003); Angmering Neighbourhood Plan (2015); Littlehampton Neighbourhood Plan (2014); and the Rustington Neighbourhood Plan (2015).

Arun District Local Plan (2003):

The key policy considerations in the determination of this application are considered to be GEN2, GEN3 and GEN5 of the Arun Local Plan (ALP). The application site is situated outside of the built up area boundary (BUAB) as specified by policy GEN2. Policy GEN2 will not permit development situated outside of the BUAB unless it is consistent with other ALP policies. Policy GEN3 of the ALP seeks to protect the countryside for its own sake and as such exerts strict control over development situated outside of the BUAB. Due to the sites location outside of the BUAB development in this location would be in conflict with policies GEN2 and GEN3 of the Arun District Local Plan.

Policy GEN5 of the ALP relates to the provision of new development within the Arun District, making provision for 8,700 new dwellings during the ALP period of 1996-2011. The application site is not identified within policy GEN5 and as such the proposed development is deemed to conflict with policy GEN5 of the ALP.

Angmering Neighbourhood Plan (2015):

The Angmering Neighbourhood Plan (ANP) was made on the 11th March 2015 on the basis of the saved policies in the ALP and the draft policies of the emerging Arun Local Plan 2014 (eALP).

The key policy considerations within the ANP are deemed to be HD1 and HD2. Policy HD1 identifies the BUAB for Angmering and states that development within the BUAB will generally be permitted. Policy HD1 also modifies the BUAB of Angmering incorporating an additional 1.47 hectares of land on Mayflower Way. Policy HD2 sets housing allocations within the neighbourhood plan area of Angmering and does not identify the application site.

Therefore, the proposed development by virtue of its location is considered to conflict with policies HD1 and HD2 in so far as it relates to the portion of the site which is located within the Angmering Parish Boundary.

Littlehampton Neighbourhood Plan (2014):

The Littlehampton Neighbourhood Plan (LNP) was made on the 5th November 2014 on the basis of the saved policies in the ALP and the draft policies of the eALP. The key policy considerations within the LNP are considered to be Policies 1, 2, 3 and 4. Policy 1 of the LNP states that sustainable development which accords with the policies in the LNP will be approved unless material considerations indicate otherwise; Policy 2 establishes a spatial plan for the town and establishes the built up area boundary and seeks for development to be focused within the Fitzalan corridor; Policy 3 seeks to supply a minimum of 200 dwellings in the period of 2014-2029 within Littlehampton; and Policy 4 makes housing site allocations which seek to meet the housing supply requirements of Policy 3.

It is considered that the proposed development will not conflict with policies 1, 2 and 3 by virtue of the policies wording. It is acknowledged that the application site is not identified by Policy 4 of the LNP - however, this policy does not seek to prevent further development within the Neighbourhood Plan Area.

Rustington Neighbourhood Plan (2015)

The Rustington Neighbourhood Plan was made on the 11th March 2015. Only a small portion of the application site is situated within the Parish of Rustington and this is limited to the proposed railway crossing. However, the application site despite falling primarily within Angmering and Littlehampton is considered to be most closely associated with the BUAB of Rustington. There are considered to be no policies contained within the Rustington Neighbourhood Plan which are relevant to the consideration of the principle of the proposed development.

Paragraph 198 of the NPPF states that where a planning application conflicts with a Neighbourhood Plan that has been brought into force, planning permission should not normally be granted. In the recent decision from the Secretary of State, under appeal reference APP/C3810/V/16/3158261, it was stated that the circumstances (within the Arun District) are not normal because of the severe housing shortage in the light of the substantially revised OAN. Therefore, any conflict of the proposal with this part of the NPPF can only be attributed limited weight.

Planning Balance:

For reasons given above, the application is not considered to accord with ALP Policies GEN2, GEN3 and GEN5 and Policies HD1 and HD2 of the ANP. The following sets out whether there are any material considerations which indicate that the proposal should be determined other than in accordance with the development plan.

Following the Supreme Court's ruling on the 10th May 2017 in relation to the interpretation of paragraph 49 of the National Planning Policy Framework (NPPF), policies GEN2 and GEN3 of the Arun District Local Plan should no longer be considered as policies for "the supply of housing" for the purposes of paragraph 49.

However, policies GEN2 and GEN3 were prepared as part of a plan that was adopted in 2003, prior to the publication of the NPPF and based upon a much lower Objectively Assessed Housing Need (OAN) that only sought to accommodate residential development needs until 2011. The weight which can be attributed to policies GEN2 and GEN3 was considered in the 2014 appeal under reference APP/C3810/A/14/2220943. Paragraph 12 of this appeal decision stated that policies GEN2 and GEN3 (although still 'saved') could only be attributed limited weight due to the lack of a 5-year housing land supply within Arun District, in accordance with paragraph 49 of the NPPF.

Policy GEN5 of the Arun Local Plan relates to "the supply of housing" and as such is deemed to be out of date (given the Council's lack of a 5 year housing land supply).

Currently the Council is unable to demonstrate a 5-year housing land supply as required by paragraph 49 of the NPPF. The primary purpose of paragraph 49 is to act as a trigger to the operation of the tilted balance in favour of approving sustainable development. The Council are currently only able to demonstrate 2.09 years supply of deliverable housing and by virtue of this significant shortfall that the tilted balance in favour of the grant of permission is triggered unless the benefits are significantly and demonstrably outweighed by the adverse effects of the development as stated in paragraph 14 of the NPPF.

In recognition of this, Full Council resolved (January 2017) to invite planning applications on 'deliverable' HELAA sites or for the first phases of sites being investigated at potential strategic allocations in order to boost the short term housing land supply.

A written Ministerial Statement was published on the 13th December 2016 which stated that;

"relevant policies for the supply of housing in a neighbourhood plan, that is part of the development plan, should not be deemed to be 'out-of-date' under paragraph 49 of the National Planning Policy Framework where all of the following circumstances arise at the time the decision is made:

- this written ministerial statement is less than 2 years old, or the neighbourhood plan has been part of the development plan for 2 years or less;
- the neighbourhood plan allocates sites for housing; and
- the local planning authority can demonstrate a three-year supply of deliverable housing sites.

The statement applies to decisions made on planning applications and appeals from the date it was laid."

The Council are currently only able to demonstrate a 2.09 year HLS and as such the policies relating to the supply of housing in Neighbourhood Plans must be considered 'out-of-date' in accordance paragraph 49 of the NPPF and in accordance with the written ministerial statement (published 13th December 2016). Policy HD2 of the ANP; and Policies 3 and 4 of the LNP constitute policies for "the supply of

housing" for the purposes of Paragraph 49 and as such these policies must be considered out of date in the determination of this application and as such reduced weight can be attributed to these policies.

The proposed development by virtue of its location is in conflict with policy HD1 of the ANP. However, the ANP was prepared on the basis of the OAN identified within the Publication Version of the eALP (2015). Therefore, given the significant revision of this figure which has taken place it is considered that only limited weight can be attributed to policy HD1 of the ANP. This position is further enhanced when the location of the application site is considered - whilst, the majority of the site is situated within the Parishes of Angmering and Littlehampton the site itself is most closely related to the BUAB of Rustington. The RNP does not feature any policies relevant to the consideration of the principle of this development and as such the proposed development does not conflict with the RNP.

The consideration of the emerging Development Plans relates to the emerging Arun Local Plan 2011-2031 Publication Version October 2014 (eALP) as modified in March 2017 ('the modified eALP').

The Examination of the Publication Version of the eALP (2015) was suspended by the Planning Inspector on the grounds that the Council's OAN should be reviewed higher than that proposed (580 units p.a). The Council has therefore had to identify more suitable land to meet additional housing supply requirements. Thus the OAN figure has been increased to 919 units per annum as of October 2016 with additional strategic sites currently being assessed and allocated in order to meet this higher figure. The proposed Modifications were approved by Full Council on the 22nd March 2017 and consultation took place between the 10th April and 30th May 2017. The proposed Modifications underwent Examination in September 2017 and the Inspectors decision is expected in Spring 2018.

The key policy considerations contained within the 'the modified eALP' are considered to be;

Policy H SP1 - Housing Allocation of the modified eALP sets out the overall provision of 20,000 new homes through the Local Plan phased over the plan period to 2031. It includes reference to additional allocations for small sites being made across the District.

Policy H SP2 - Strategic Site Allocations - is split into 3 sections covering different areas of the District.

Policy SD SP2 - Built up area boundary - states that outside the BUAB apart from Strategic, Site Specific and Broad Allocations, development will not be permitted unless consistent with other plan policies.

Policy C SP1 - Countryside - states that outside the BUAB as well as outside both the strategic, site specific and broad allocations, the countryside will be safeguarded for its own sake.

Given that the application site is situated outside of the BUAB and is not a strategic allocation identified in policy H SP1 or H SP2 the proposed development the subject of this application will conflict with policy SD SP2 and C SP1 of 'the modified eALP'

Whilst, the proposed development conflicts with policies SD SP2 and C SP1 the modified eALP (2017) has been through examination and whilst it has not been adopted it weight can be attributed to the policies contained within 'the modified eALP' at this time.

Given the policy position which has been identified above it will be necessary to consider the development and ascertain if it will give rise to any adverse impacts which would significantly and demonstrably outweigh the benefits of the development as stated in paragraph 14 of the NPPF.

Presumption in favour of sustainable development:

Para 7 of the NPPF sets out the three dimensions to sustainable development - the economic, social and environmental roles. In order to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

Para 14 of the NPPF states that the presumption in favour of sustainable development requires the granting of planning permission, 'unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits'. Furthermore, paragraph 49 states that:

"Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites".

Environmental Role -

The application site is situated outside of the built up area boundary. Rustington to the south of the site can already be accessed by pedestrians through crossing the railway line. However, the application includes the provision of a railway bridge which will provide a safe pedestrian link directly into Rustington and the facilities it has to offer.

The Institute of Highway and Transportation (IHT) publication 'Guidelines for Providing Journeys on Foot (2000)' sets out recommended guidelines for walking distances. These guidelines identify a maximum walking distance of 800m for Town Centres, 2,000m for commuting and 1,200m for school and elsewhere. The development fails to meet the 800m for 'town centres' criteria with Rustington Town Centre being located approximately 1500m away. Despite the failure to meet this standard a large number of other services are within the maximum walking distances specifically in relation to;

Dominion Way Industrial Estate - Approximately 120m
Manor Retail Park - Approximately 400m
Summerlea Primary School - Approximately 700m
Worthing Road shopping parade - Approximately 816m
North Lane Primary School - Approximately 840m
Rustington Retail Park - Approximately 900m
Angmering Train Station - Approximately 1,800m

Please note that these distances take into account the proposed railway bridge for the purposes of calculation. The proposed foot bridge over the railway line to the south of the site will be secured via Grampian condition with full details (including design) needing to be submitted to the LPA for approval in consultation with Network Rail and West Sussex County Council.

The nearest operational bus stop is located on the corner of Worthing Road and North Lane situated approximately 570m from the site. However, Manor Retail Park when approved included within its travel plan the provision of a bus stop which would be situated approximately 440m from the application site. A service (Service 12) commenced running from the 4th September calling at the Manor Retail Park on once hourly Monday-Friday between 10.00 and 15.00.

The distances to the nearest operational bus stops are not considered to be prohibitive to the use of bus services by future residents of the site. However, the applicants have made land available for the provision of a bus stop on site should it be desired for this to be included as an additional stop at a future date.

Planning application A/11/17/OUT which seeks permission for the construction of an A1 retail unit and an A3/A5 unit to the east of the application site proposes a pedestrian link between the application site and Manor Retail Park. Without this pedestrian link there would be no easily accessible route between the

proposed development and Manor Retail Park/Rustington Retail Park. Therefore, a Grampian condition has been included with this recommendation requiring that pedestrian connectivity is provided to the eastern boundary of the site prior to occupation of the 25th dwelling.

It is considered that the proposed development constitutes sustainable development in terms of its environmental role in accordance with paragraph 29 of the NPPF. It is also considered that the pedestrian improvements and railway bridge would accord with the goals of policy TM2 of the Angmering Neighbourhood Plan.

Economic Role -

The proposal will result in localised economic benefits through the need to employ people to carry out the development. The proposal will also result in an increase in Council Tax receipts, new homes bonus payments and the increased commercial activity that the future occupiers of the development will bring to the area. These economic factors weigh in the schemes favour.

The Council's Economic Development team have also requested that the developer produces a work and skills plan to provide opportunities for training whilst the development is being undertaken.

Social Role -

The proposal will provide a number of social benefits through the provision of housing to meet the significant shortfall currently faced by the Local Authority. The proposal will also provide 30% affordable housing where there is a significant need for such housing. The scheme will also feature a dementia care home providing for the needs of an aging population. These factors are deemed to weigh in the scheme's favour in terms of its social benefits.

Where the development plan is absent, silent or the relevant policies are out of date, paragraph 14 of the NPPF states that the presumption in favour of sustainable development requires the granting of planning permission, 'unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits'. Given the sustainability of the site and the policy position identified above it is now necessary to make an assessment of the impacts of the proposed development and its accordance with paragraph 14 of the NPPF.

LOSS OF GYPSY/TRAVELLER ACCOMMODATION

The Council commissioned Peter Brett Associates (PBA) to provide advice in relation to the loss of a parcel of the site which was previously granted planning permission for a Gypsy and Traveller use.

It has been identified by PBA that Land Registry records reveal that the Gypsy and Traveller site is now under the ownership of Store Properties Investments Limited (the applicants) and this has also been confirmed by the agent. The permissions granted for the use were personal planning permission for to the occupiers of the site at that time, due to their Gypsy and Traveller status.

The Gypsy and Traveller Justification Statement states, that the Gypsies and Travellers who previously occupied the site have now moved to alternative permanent accommodation. It has been assumed, albeit that there is no supporting evidence, that this statement is correct given that the named Gypsies and Travellers on the original personal permission are no longer resident at the site. It is unclear if the 'alternative permanent accommodation' referred too is housing or if they will be seeking accommodation in the Arun district again in the future claiming Gypsy and Traveller status.

It was stated by PBA in their response that there is no longer a valid Gypsy and Traveller planning permission on the Old Stables site, due to the site being no longer occupied or owned by the original applicants who were granted the personal planning permissions. However, it has also been confirmed by PBA that emerging Local Plan policies are currently out of date due to the evidence studies (Gypsy and

Traveller and Travelling Showpeople Accommodation Assessment GTAA (2013) and Gypsy, Traveller and Travelling Showpeople Site Selection Study (GTTSSS) (2013) having been undertaken before changes were made to national policy for traveller sites. Therefore, even if the site benefited from a full Gypsy and Traveller permission, it would not be possible to prove that the 'need' for this site still existed.

It is acknowledged that the personal permissions have lapsed and that there is an absence of up to date GTAA and GTTSSS studies. However, these documents are in the process of being updated and it is intended for this work to be completed by January 2018. In light of this the LPA must defend their position and secure the retention of existing Gypsy and Traveller uses to avoid creating a shortfall of suitably located Gypsy and Traveller sites within the Arun District. Therefore, the S106 agreement will secure the retention of land for the provision of

2 no. Gypsy and Traveller plots/sites on the application site for a period of three (3) years, whilst studies are undertaken.

CHARACTER AND VISUAL AMENITY

The proposed development would introduce up to 90 dwellings and a 72 unit residential care home upon the site, roads and car parking in place of a single dwellinghouse and former stables with established residential use. Therefore, the proposal will have a significant impact upon the character and appearance of the site. The site is situated outside of the built up area boundary and is enclosed by the A259 to the north and the railway line to the south. Whilst, the site primarily falls within Angmering and Littlehampton, established residential and commercial estates to the south of the site are situated within the built up area boundary of Rustington and Littlehampton.

The site is bordered to the north by the A259 with the character of the area to the north of the site being rural consisting of open fields and golf courses. Poling is located approximately 900m to the north with the South Downs National Park located approximately 2km away. The proposed development by virtue of its location when viewed from the north will appear integrated with the established built up area and is not considered to adversely intrude into the countryside. Due to the presence of the A259 and the site being set below the level of the road it is considered that the site is not well linked with the rural countryside to the north. Therefore, the proposed development will respect the landscape setting and views out of the South Downs National Park in accordance with policy HD5 of the Angmering Neighbourhood Plan.

Development has recently taken place to the east of the site up until Mill Lane located to the south of the A259 and north of the railway line with a number of commercial units having been constructed. Further commercial development is also proposed immediately to the east of the application site. Therefore, the proposed development will not have an unacceptably adverse impact on the established character of the immediate locality to the east of the site.

The proposed development will have a density of approximately 27.5 dph with the existing residential development to the south of the application site having a density of approximately 24dph. The proposed development density is acceptably given the established character of the locality and its close relationship to the established residential development to the south of the application site. Therefore, the proposal is deemed to accord with policy HD7 of the Angmering Neighbourhood Plan.

The application is only for outline consent and as such the layout provided is only indicative and is not the subject of approval by this application.

RESIDENTIAL AMENITY

The proposed development by virtue of its location has the potential to give rise to significant impacts to the residential amenity of future occupiers by virtue of the sites close proximity to the A259 and the railway line. The NPPF under paragraph 123 seek to avoid and mitigate the impacts of noise on health

and quality of life for new developments.

The applicant has submitted a 'Noise Assessment Report (Feb 2017) - ARR/PPN/C/2489.05 Rev A' and an 'Addendum Report (May 2017) - ARR/PPN/C/2489/05' which were previously considered by the Council's Environmental Health department. It was stated by Environmental Health that the measures proposed would mitigate against the adverse impact of noise from the A259 and railway line upon the residential amenity of future occupiers.

The proposed development will have an impact upon the established residential development to the south of the application site. There, will without question be an impact upon the views from the properties which back onto the railway line but the retention of views is not a material consideration in the determination of planning applications. Objections have also been raised in relation to overlooking of the existing residential properties by the proposed development. The indicative layout shows separation distances of at least 37m between the existing residential development to the south of the site and the proposed dwellings - this distance is considered more than sufficient to prevent unacceptably adverse overlooking, overshadowing or overbearing impacts to residential amenity. However, as this application is outline with all matters reserved and layout will be a matter for consideration at reserved matters stage.

AFFORDABLE HOUSING

The 'Affordable Housing Statement (March 2017)' which accompanies the application identifies that the proposed development will provide 30% affordable housing on-site and for the indicative scheme of 90 dwellings this will equate to 27 affordable dwellings.

Given that the application is outline the exact tenure, dwelling type, size and location of the on-site affordable housing cannot be fully agreed. However, the design and access statement proposes a mix of 8 x 1 bed; 16 x 2 bed; and 3 x 3 bed dwellings.

The Council's Housing Strategy and Enabling manager has stated that the details of the tenure, dwelling type/size and location of the 27 affordable dwellings can be agreed as part of the subsequent reserved matters application and secured via condition. However, the affordable housing contribution must be secured at outline stage via the s106 agreement.

The provision of affordable units remains unchanged from that previously proposed under application A/44/17/OUT. In the determination of this application it was stated by the Council's Housing Strategy and Enabling manager that although the mix is not quite in line with the latest evidence from September 2016 and is slightly skewed towards smaller properties the proposed mix is supported.

The design and access statement identifies that the affordable housing will consist of social rented and intermediate ownership which is again considered acceptable.

When details of the proposed layout are submitted for determination at reserved matters stage the LPA will seek the affordable units to be well integrated with the overall development.

The level of affordable housing contribution will be secured via the completed s106 agreement prior to the determination of this application. However, it should be noted that the proposed 27 units may reduce in number should the total provision on the site be lower than that set out in this application.

ECOLOGY AND BIODIVERSITY

The site does not fall within any statutory designated areas. The South Downs National Park is approximately 2.1km to the north and Climping Beach Site of Special Scientific Interest (SSSI) and West Beach Local Nature Reserve (LNR) are both situated approximately 3km to the southwest of the site.

Although not a statutory designation the site is identified as falling within the Climping to Houghton Biodiversity Opportunity Area.

The Preliminary Ecology Appraisal which accompanied the application made a number of recommendations including the retention of as many trees as possible on the site; that tree planting and hedgerow creation should take place along the boundaries of the site; and that the brook along the eastern boundary should be retained as it is an important wildlife corridor and provides habitat for water voles. This report along with the water vole, bat and reptile surveys and mitigation reports have been considered by the Council's Ecology advisor who has raised no objection to the proposed development subject to the inclusion of relevant conditions. Paragraph 109 of the NPPF identifies that development provides the opportunity to contribute and enhance biodiversity and the local environment. The proposed conditions are considered to secure ecological enhancements in accordance with paragraph 118 of the NPPF which states that opportunities to incorporate biodiversity in and around developments should be encouraged.

The proposed development has also been considered by Natural England who have raised no objection having identified that the proposed development will not have significant adverse impacts on designated sites. The proposed development is not considered to have significant effects on the Arun Valley Special Protection Area (SPA) although the site falls within the Impact Risk Zone for foraging habitat for Bewick's swans that form part of the interest of the Arun Valley SPA. However, given the shape of the site, the fact that it falls between the main road and railway line, and the habitats identified in the Preliminary Ecology Appraisal, it is unlikely to be regularly used by Bewick's Swans. Therefore, the site is not considered to be functionally linked to the SPA, and its loss is unlikely to have a significant effect on the SPA.

RENEWABLE ENERGY

Policy ECC SP2 of the emerging Local Plan identifies that major development must produce 10% of the total predicted energy requirements from renewable or low carbon energy generation on site, unless it can be demonstrated that this is unviable. A condition has been included with this recommendation report requiring the submission of details for approval by the Local Planning Authority as to how this will be achieved on site.

DRAINAGE/FLOODING

The application site is situated primarily within Flood Zone 1 an area of land with low probability of flooding where all land uses are appropriate. However, a portion of the site measuring approximately 0.6ha in the south eastern corner is situated within Flood Zone 2, with a smaller parcel measuring 0.2ha situated within Flood Zone 3. The indicative layout plan provided shows the proposed buildings being located entirely within Flood Zone 1.

The submitted flood risk assessment (FRA) has been considered by the Environment Agency who have raised no objection to the proposal subject to the use of a suitably worded condition to secure the implementation of the flood risk measures identified in the FRA.

A portion of the site measuring approximately 0.6ha is situated within flood zone 2 whilst an area measuring 0.2ha is identified as being flood zone 3. Due to this in accordance with paragraph 101 of the NPPF it is necessary for sequential tests to be undertaken.

A sequential flood risk assessment was submitted to the local planning authority on the 5th June 2017 which identified that there were no other sites more appropriate in terms of flood risk for the proposed development. On the basis of the information submitted it is considered that the sequential test requirements have been met by the applicant.

HIGHWAY CONSIDERATIONS

The proposed development will be accessed by vehicular traffic via a left hand in, left hand out access directly from/to the A259. Highways England have been consulted in relation to the proposed development with no objection being raised.

West Sussex County Council strategic planning have also been consulted and stated that the revised modelling for the A259/B2187 Body Shop Roundabout, which detail sufficient capacity at the junction to accommodate the impacts of the proposed development.

As this application is a resubmission of A/44/17/OUT it has been stated by the Local Highway Authority that their previous comments remain unaltered.

The indicative master plan has been considered by WSCC and the 4 proposed turning heads within the development would provide satisfactory access for emergency vehicles. The proposed parking provision is in accordance with the WSCC parking demand calculator as well as policy GEN12 of the Arun District Local Plan (2003).

Some concerns were raised in relation to the number of visitor parking spaces in the vicinity of dwellings 52-60 but this would be a matter for consideration at reserved matters stage. The transport assessment submitted with the application states that cycle provision will be provided in accordance with WSCC guidance with all spaces sheltered and secured.

With all matters being reserved in this case it is not possible to make an assessment of the impact that the indicative access will have upon highway safety with this matter needing to be considered at reserved matters stage. As such no comments have been provided by WSCC in relation to the indicative access. However, a number of conditions have been proposed by WSCC and these have been included with the recommendation.

RAILWAY LINE

Since the previous refusal under reference A/44/17/OUT the applicant has provided a parameter plan showing the location of the proposed 2m high acoustic fencing to be erected along the southern boundary of the site. Drawing No. 1709-03F shows a 10m sound buffer between the proposed development and railway line and the erection of a 2m high close boarded timber fence designed to provide acoustic screening. The boundary treatment by virtue of its height and siting will provide sufficient protection against trespassing upon the railway line.

It should also be highlighted that the proposed development would see the existing pedestrian crossing close and replaced by a pedestrian footbridge. This will remove an existing uncontrolled and open means of access onto the railway line.

SUMMARY

The undersupply of housing within the area means that there is a compelling need to find sustainable housing sites that can be delivered in the short/medium term to assist Arun District Council in meeting its housing target. Recognising this, the Council resolved (January 2017) to invite planning application submissions on sites identified as deliverable in the HELAA. This is considered to be a sustainable form of development in accordance with the NPPF.

The previous refusal of planning application A/44/17/OUT was on the basis of the lack of suitable access to public transport opportunities and the risk that the railway line posed to the safety of future occupiers.

The distance to the nearest operational bus stop of 570m is deemed to be acceptable and is not considered prohibitive to its use. However, the applicant has made provision on site of a bus stop and turning area for the introduction of a bus service directly into the site should the existing 'Route 12'

service running to Manor Retail Park be found to be viable and retained.

The applicant has also provided a parameter plan showing the location of the proposed 2m high acoustic fencing to be situated along the southern boundary of the site. This fencing will secure the railway line and restrict unauthorised access onto Network Rails land - a condition has been included requiring the submission of details of this fencing for approval by the LPA. It should be noted that with the introduction of the footbridge over the railway line the existing open pedestrian crossing will no longer be in situ further securing an existing uncontrolled means of access onto the railway line.

Therefore, based upon the details submitted it is considered that the previous reasons for refusal have been adequately overcome and as such the application for outline permission (with all matters reserved) is recommended for approval subject to the below conditions.

It is recommended that should the S106 agreement not have been completed within 2 months of the committee meeting on the 15th November 2017 then it is recommended that authority be delegated to the Group Head of Planning in association with the Chair and Vice-Chair of Development Control Committee to refuse the application for the failure to provide affordable housing and other infrastructure improvements.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

SECTION 106 DETAILS

A Section 106 agreement is in the process of preparation and this will secure the provision of the following contributions;

ADC CONTRIBUTIONS

1. Affordable housing - 30% of dwellings to be provided as affordable units.
 - a. Therefore, for a development of 90 dwellings this would equate to 27 dwellings.
 - b. Tenure split - 22 provided for Affordable Rent and 5 of which will be provided as Intermediate Housing.
2. Open Space -
 - a. Submit to the Council an Open Space Scheme for the Open Space within the Development prior to the Commencement of the development.
3. Play Areas -
 - a. Submit to the Council a Play Area Scheme for the Play Areas within the Housing Phase prior to the Commencement of the development of the Dwellings at the Development.
4. MUGA contribution - Details awaited
5. NHS Contribution -
 - a. Contribution up to a maximum of £92,860 for 90 dwellings (dependent upon mix of dwellinghouses).
 - b. The care home hereby approved will make a contribution of £64,452.Total contribution of £157,312 to the 'The Coppice GP Surgery' for the infrastructure needs of managing GP consultant Health Care.

WSCC CONTRIBUTIONS

1. Footpath improvement contributions - a contribution of £28,000 (index linked) towards improvements to PROW 2159 to make it a convenient walking and cycling route to/from the Railway Bridge, including to scrape and grade the existing surface and lay stone, such as DoT1 which will form a robust year round usable surface for all modes.
2. Library Contribution - a financial contribution which will be calculated at reserved matters stage and paid in instalments towards a project to enhance library space with improved digital access at Angmering Library.
3. Primary School Contribution - a contribution which will be calculated at reserved matters stage and paid in instalments towards the cost of a permanent solution to the temporary accommodation at Georgian Gardens Community Primary School.
4. Secondary Education Contribution - a contribution which will be calculated at reserved matters stage and paid in instalments towards the cost of providing additional facilities at The Angmering School.
5. Further Education Contribution - a contribution which will be calculated at reserved matters stage and paid in instalments towards the cost of additional facilities for further education at The Angmering School Sixth Form.

Please note: A contribution was requested towards the provision of additional smoke alarms to vulnerable persons homes in West Sussex Fire Rescue Services Southern Area serving Angmering. However, it was identified in appeal APP/C3810/V/16/3158261 that this contribution is not directly related to the development or necessary to make the development acceptable in planning terms. Therefore, the requested contribution fails to accord with The Community Infrastructure Levy Regulations 2010, Part 11, Section 122 and as such has not been included in the S106 agreement.

NON-FINANCIAL OBLIGATIONS

1. Not to Occupy or cause or allow to be Occupied more than 50 Dwellings at the Development until an enforceable and binding building contract for the construction of the Care Home has been entered into and a copy produced to the Council or other evidence is produced to the Council which is sufficient to satisfy the Council acting reasonably that a meaningful start has been made to the construction of the Care Home.
2. Retention of land for the provision of 2 no. Gypsy/Traveller pitches for a period of three years from the date of the planning permission being granted.

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) Access;
 - (e) 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 Application for approval of the reserved matters of the first phase or sub phase of the development shall be made to the Local Planning Authority not later than the expiration of two years from the date of this permission. Applications for reserved matters for the remaining phases shall be made within 2 years from the date of this permission.

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 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).
- 4 In conjunction with, the first 'reserved matters' details submitted pursuant to condition 1), there shall be submitted for the written approval of the local planning authority details of phasing for implementation of the development hereby permitted. The development shall thereafter be carried out in accordance with the approved details. Thereafter subsequent applications for approval of 'reserved matters' shall be accompanied by any variations to the approved phasing details to be submitted for written approval of the local planning authority.

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).
- 5 The development hereby approved shall be carried out in accordance with the following approved plan:

· Location Plan - Dwg 1709-01K

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

- 6 Details permitted pursuant to condition 1 shall include details of the proposed pedestrian connectivity to the eastern boundary of the site. Prior to occupation of the 25th dwelling the pedestrian connection to the eastern boundary of the site shall be completed and the proposed point of connection for pedestrians with the eastern boundary shall thereafter be retained in perpetuity.

Reason: To encourage sustainable travel patterns in accordance with Paragraph 29 of the NPPF.

- 7 No development shall take place for any phase or sub phase of the development within the area indicated until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.

Reason: The site is of archaeological significance in accordance with Arun District Local Plan Policy GEN7. This condition must be pre-commencement to prevent irreversible loss and destruction of any archaeological remains on site.

- 8 Development shall not commence 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, the recommendations of the SuDS Manual produced by CIRIA.

Winter groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan. This condition must be pre-commencement to ensure that adequate drainage is provided for the development.

- 9 Immediately following implementation of the approved SuDS scheme and prior to occupation of any part of the development, the developer/applicant shall provide the local planning authority with as-built drawings of the implemented scheme together with a completion report prepared by an independent engineer that confirms that the scheme was built in accordance with the approved drawing/s and is fit for purpose. There shall be no deviation to the approved scheme other than with the written consent of the Local Planning Authority. The scheme shall thereafter be maintained in perpetuity.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan.

- 10 The development shall not proceed until formal consent has been approved in writing from the Lead Local Flood Authority (WSSC) or its agent (ADC) for the discharge of any flows to watercourses, or the culverting, diversion, infilling or obstruction of any watercourse on the site.

Any discharge to a watercourse must be at a rate no greater than the pre-development run off

values.

Reason : To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan. This condition must be pre-commencement that adequate measures for the discharge of water to prevent flooding are in place.

- 11 Development shall not commence until full details of the maintenance and management of the SuDS 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 (a) details of financial management of the site including arrangements made in the event that the management company (or any subsequent management company) is no longer able to fulfil its duties; and (b) arrangements for the replacement of major components at the end of the manufacturers recommended design life.

Reason: To ensure the efficient maintenance and on-going operation of the SuDS system and to ensure the best practice in line with guidance set out in 'The SuDS Manual' CIRIA publication ref: C753 Chapter 32. This condition must be pre-commencement to ensure adequate measures are in place to maintain the SUDS system once implemented.

- 12 Upon completed construction of the SuDS System but prior to occupation of any part of the scheme, the owner or management company shall either provide the local planning authority with an updated copy of the management manual incorporating any changes as a result of construction/implementation or confirm in writing that no changes are required to the manual.

No further changes shall be made to the approved SuDS Maintenance & Management Plan/Regime including the management company responsible or the financial arrangements between the owners of the dwellings & the management company other than with the written consent of the Local Planning Authority.

The owner or management company shall thereafter strictly adhere to and implement the recommendations contained within the manual to ensure that the system is maintained in perpetuity.

Reason: To ensure the efficient maintenance and on-going operation of the SuDS system and to ensure the best practice in line with guidance set out in 'The SuDS Manual' CIRIA publication ref: C753 Chapter 32.

- 13 The development layout shall not be agreed until such time that arrangements for the future access and maintenance of any watercourse or culvert (piped watercourse) crossing or abutting the site has been submitted and approved in writing by the Local Planning Authority.

No construction is permitted, which will restrict current and future land owners from undertaking their riparian maintenance responsibilities of any watercourse on or adjacent to the site.

Reason: 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.

- 14 Development of any phase or sub phase shall not commence until a drainage strategy detailing the proposed means of foul disposal and a implementation timetable, has been submitted to and approved in writing by, the local planning authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the drainage systems for the site prior to commencing development.

- 15 Prior to occupation of any part of the development hereby approved the railway bridge proposed shall be implemented in accordance with details of construction and design to be submitted to and approved by the Local Planning Authority in consultation with Network Rail and West Sussex County Council.

Reason: To ensure that the proposed development benefits from appropriate and safe access to services and facilities located to the south of the railway line in accordance with Policy GEN7(vi) of the Arun District Local Plan and the NPPF.

- 16 No development shall commence until the vehicular access serving the development has been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority at 'reserved matters' stage.

Reason: In the interests of road safety in accordance with policy GEN7 of the Arun District Local Plan and the National Planning Policy Framework. To ensure adequate access arrangements are in place whilst development is ongoing.

- 17 No part of the development shall be first occupied until the car parking spaces have been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority at 'reserved matters' stage. These spaces shall thereafter be retained at all times for their designated use.

Reason: To provide car-parking space for the use and in the interests of amenity in accordance with policies GEN7 and GEN12 of the Arun District Local Plan and the NPPF.

- 18 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority at 'reserved matters' stage.

Reason: To provide alternative travel options to the use of the car in accordance with the NPPF.

- 19 No part of the development shall be first occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

Reason: To encourage and promote sustainable transport in accordance with the NPPF.

- 20 Occupation of any phase or sub phase shall not begin until a scheme for protecting the proposed dwellings from noise from the A259 and railway line which flank each side of the proposed site have been submitted in writing and approved by the Local Planning Authority. This scheme shall include details and location of any acoustic wall and/or fencing designed to protect amenity spaces and also window specification and ventilation requirements in order to achieve a suitable acoustic environment in line with BS 8233:2014 and World Health Organisation guidelines 1999. Any works which form part of the scheme approved by the Authority shall be completed before any permitted dwelling is occupied, unless an alternative period is agreed in writing by the Authority.

Reason: In the interests of amenity in accordance with policy GEN7 of the Arun District Local Plan.

- 21 No development of any phase or sub phase shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved by, the Local Planning Authority. All relevant precautions shall be taken to minimise potential disturbance to neighbouring residents, particularly those to the south of the railway line in respect to noise, vibration and dust. The approved Plan shall be adhered to throughout the construction period.

The Plan shall provide for :

- a. An indicative programme for carrying out the works
- b. The arrangements for public consultation and liaison during the construction works.
- c. Measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method should foundation piling occur, the careful selection of plant and machinery and use of noise mitigation barriers.
- d. Detail of any flood lighting, including location, height, type and direction.
- e. The parking of site operatives and visitors
- f. Loading and unloading of plant and materials
- g. Storage of plant and materials used in construction and development
- h. Wheel washing facilities
- i. Measures to control the emission of dust and dirt during construction

Hours of operation of all plant and machinery and deliveries to/from the site to be limited to 07:00 - 18:00hours Monday to Friday; 08:00 to 13:00 hours on Saturdays and not at all on Public or Bank Holidays unless otherwise agreed with the local Authority.

The Construction Management Plan shall also incorporate details of environmental enhancements on site. This should include;

- Wildlife corridor established along the southern boundary of the site
- Any trees removed should be replaced at a ratio of 2:1
- Wildlife pond
- Wildflower meadow
- Filling any gaps in tree lines or hedgerows with native species
- Bat and bird boxes installed on the site
- Grassland areas managed to benefit reptiles
- Log piles onsite.

Reason: In the interests of amenity in accordance with policy GEN7 and GEN29 of the Arun District Local Plan. It is considered that this condition must be pre-commencement to minimise disturbance to neighbours and detrimental impacts to the biodiversity on site.

- 22 No lighting shall be installed on any phase or sub phase until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The external lighting in association with this development shall comply with the Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light, Obtrusive Light Limitations for External Lighting Installations, Zone 3.

The scheme should also minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding. The lighting approved shall be installed and shall be maintained in

accordance with the approved details.

Reason: In the interests of the amenities of the area, the site biodiversity (particularly in respect of bats) and to minimise unnecessary light spillage outside the development site in accordance with Policies GEN7, GEN29 & GEN33 of the Arun District Local Plan.

23 Development on site shall be carried out in strict accordance with the;

- 'Bat Survey and Mitigation Plan - May 2017'
- 'Water Vole Mitigation Strategy and Method Statement - May 2017'
- 'Reptile Survey - May 2017'

or any subsequent revised mitigation strategy or method statement approved in writing by the Local Planning Authority.

Reason: In accordance with Arun District Local Plan policy GEN29 and the National Planning Policy Framework.

24 Prior to the commencement of any phase or sub phase details shall be submitted providing clarification as to how the existing hedgerows on site will be enhanced for use by bats. This shall include details of a buffer strip around the hedgerows measuring 5m in width and details of fencing to be used during construction to ensure that this area is undisturbed. Details shall also be provided of additional planting to infill gaps in the existing hedgerow using native hedge species to improve connectivity and where any hedgerow is to be removed, details of a replacement hedgerow shall be provided.

Reason: In accordance with Arun District Local Plan policy GEN29 and the National Planning Policy Framework. It is considered that this condition must be pre-commencement to prevent harm to the sites biodiversity.

25 Prior to commencement of any phase or sub phase a badger survey should be undertaken to ensure badgers are not using the site. If a badger sett is found onsite, Natural England should be consulted and a mitigation strategy produced and submitted to the Local Planning Authority for approval.

Reason: In accordance with Arun District Local Plan policy GEN29 and the National Planning Policy Framework. It is considered that this condition must be pre-commencement to prevent harm to potentially vulnerable species on site.

26 Prior to occupation of any phase or sub phase a Landscape Management Plan (LEMP) shall be submitted and approved by the Local Planning Authority providing details for the on-going management and aftercare of the site once construction is completed.

Reason: In the interests of amenity and of the environment of the development in accordance with policy GEN7 of the Arun District Local Plan.

27 Prior to demolition or construction works being carried out on site a detailed Arboricultural Method Statement Report & Tree Protection Plan shall be submitted to and approved by the Local Planning Authority for each phase or sub phase of development. This report should be prepared by a qualified and experienced arboricultural consultant and all demolition and construction works shall be carried out in accordance with the details approved.

Reason: To comply with BS5837 and to ensure that retained trees are afforded due respect and appropriate levels of protection such that their on-going health and vitality is not compromised and they can continue to enhance the landscape and amenity of the area.

- 28 Prior to any demolition or construction works taking place or the introduction of machinery and plant to the site the following issues must be resolved to the complete satisfaction of Arun District Council :-

A pre-commencement site meeting is to take place between the Arun DC Tree Officer and the Arboricultural Consultant representing the site owners - at this meeting all protective fencing will be inspected along with ground protection measures - they will be assessed to verify that they are 'Fit for Purpose' as required under British Standard 5837:2012 and have been erected and positioned exactly as shown on the Tree Protection Plan.

- A schedule of Site Monitoring/Supervision visits and Reporting Procedures prepared by an Arboricultural Expert will be required and their extent will be agreed on at the site meeting to the satisfaction of the Arun DC Tree Officer.

- If there is deemed to be a need for any Utility Service Route connections to bisect retained tree Root Protection Areas/Zones then prior to their installation a Method Statement prepared by an Arboricultural Expert must be submitted that stipulates how this can be achieved without adverse impact on tree roots. Written approval and confirmation of acceptance of this Methodology must be issued before any works are commenced out on site.

Reason: To comply with BS5837 and to ensure that retained trees are afforded due respect and appropriate levels of protection such that their on-going health and vitality is not compromised and they can continue to enhance the landscape and amenity of the area. It is considered necessary for this condition to be pre-commencement to ensure that the trees on site are adequately protected during construction.

- 29 At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low-carbon energy sources or equivalent fabric first standards that would secure a 10% reduction in energy use. No development above damp proof course (DPC) level shall take place unless and until details and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented in accordance with the approved timetable and retained as operational thereafter, unless otherwise agreed in writing by the local planning authority.

Reason: In order to seek to achieve high levels of energy efficiency in accordance with the aims of the NPPF.

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

- 31 INFORMATIVE: This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0845 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.

- 32 INFORMATIVE: A formal application for connection to the water supply 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.

- 33 INFORMATIVE: The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. The applicant/developer should contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk in order to progress the required infrastructure.
- 34 INFORMATIVE: Network Rail strongly recommends the developer contacts assetprotectionsussex@networkrail.co.uk prior to any works commencing on site, and also to agree an Asset Protection Agreement with them to enable approval of details works. More information can also be obtained from their website www.networkrail.co.uk/asp/1538.aspx
- 35 INFORMATIVE: The proposed balancing pond location is occupying land that floods and also the overland flow route transfers surface water/land drainage flows from the developments/land south of the railway line via the railway culvert, then across the land in question and into the culvert beneath the A259. The applicant is urged to discuss this matter with the Council's Drainage Engineers.
- 36 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 assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.