

Planning Statement

Land off Arundel Road, Angmering

December 2021

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1. Introduction

1.1 This Planning Statement is submitted on behalf of Redrow Homes (the “Applicant”) to Arun District Council (“ADC”) in support of a hybrid planning application at Land off Arundel Road, Angmering (the “site”) for residential and commercial development.

1.2 The description of development for the proposal is as follows:

“Hybrid application comprising: Full planning application for the development of 160 dwellings with open space, landscaping and sustainable drainage systems (SuDs), and two vehicular access points from Arundel Road; together with an outline application for up to 1,393 square metres (15,000 square feet) of Class E floorspace with associated parking provision.”

1.3 This Planning Statement is intended to address all relevant planning policies, with consideration given to any material considerations relevant to assessing the acceptability of the proposed development. For completeness, this Statement should be read in conjunction with the other documents and drawings submitted in support of this application, which are listed at **Appendix 1**.

Context

1.4 This Statement is intended to assist ADC in its determination of the application having regard to the requirements of the Development Plan, the National Planning Policy Framework (the “Framework”) and relevant Planning Practice Guidance (“PPG”).

1.5 It evaluates the proposed development against local and national planning policies and carries out an overall planning balance within the context of relevant material considerations that should be considered in the determination of this planning application.

1.6 An outline application (ref. A/122/19/OUT) was approved on 17th March 2020 for:

“Outline application with some matters reserved for the erection of up to 160 dwellings with public open space, landscaping and sustainable drainage systems (SuDs), vehicular access point from Arundel Road; together with up to 1,393 square metres (15,000 square feet) of B1/B2 units with associated parking provision and vehicular access point from Arundel Road and land made available for expansion of current sports pitch provision (following the demolition of existing commercial units and one bungalow) (re-submission following A/36/18/OUT). This application is a Departure from the Development Plan.”

1.7 A copy of the decision notice is included at **Appendix 2**.

1.8 A Section 73 was approved by ADC on 23 November 2021 under Application Ref: A/207/21/PL to regularise minor amendments to the secondary access that serves the commercial land within the outline permission. The decision notice is included at **Appendix 3**.

Structure of the Planning Statement

1.9 The remainder of the statement is structured as follows:

Section 2 – Site and Surrounding Area

Section 3 - Planning History

Section 4 – Extant Planning Permission

Section 5 - The Proposed Development

Section 6- Planning Policy Context

Section 7 - Planning Assessment: Principle of Development

Section 8 - Design Approach and Policy Considerations

Section 9 - Other Technical Considerations

Section 10 – Planning Obligations

Section 11 – Presumption in Favour of Sustainable Development

Section 12- Summary and Conclusions

2. Site and Surrounding Area

The Application Site

- 2.1 The site comprises an area of 8.9 ha including agricultural land with a small industrial estate (brownfield land) to the south eastern corner making up approximately 2.45ha of the site overall. The brownfield land comprises an existing residential dwelling and a small commercial area consisting of various utilitarian structures and hardstanding alongside an area used for caravan storage.
- 2.2 The small commercial area is bound by low hedging along the northern and western boundaries, with a continuation of the site's existing boundary vegetation running along the southern boundary.
- 2.3 The site lies adjacent to existing residential development on the northern edge of Angmering. Angmering lies to the south of the A27 between Portsmouth and Brighton. The eastern part of the site lies immediately adjacent to a linear area of separately owned land comprising 9 dwellings.
- 2.4 The site is bound to the north by a small woodland copse and a residential property. To the west the site is bounded by well-established hedgerows beyond which lie agricultural fields. The southern boundary consists of a chain-link fence beyond which is a line of well-established trees which help to define the boundary with the adjacent playing fields and sports club.
- 2.5 Access into the site is currently taken via an existing access from Arundel Road which serves the existing commercial area.
- 2.6 A review of the Environment Agency Flood Mapping tool identifies that the site falls within Flood Zone 1 (i.e. land assessed as having a less than 1 in 1,000 annual probability, or <0.1% chance of flooding).
- 2.7 There are no designated heritage assets within the site. There are two TPO trees on the western boundary of the site.
- 2.8 A site location plan is included at **Appendix 4**.

The Surrounding Area

- 2.9 The site is located on the northern edge of the settlement of Angmering, approximately 0.60km from the centre. Angmering lies in an accessible location along the A27 between Portsmouth and Brighton, approximately 21km west/east respectively. It also lies approximately 5.6km from the centres of Worthing and Littlehampton to the east and west respectively.
- 2.10 Angmering offers a wide range of local amenities that could serve residents of the development. These include a number of pubs, restaurants, supermarkets, sports facilities, medical centre, places of worship, primary school, secondary school and sixth form, many of which are within 1km of the site.

- 2.11 The site has a high level of accessibility to public transport. The nearest bus stop is located 600 metres south of the application site on Arundel Road. There is another bus stop on Chantryfield Road, to the south east of the application site. The Number 9 bus service travels along Arundel Road and Chantryfield Road once an hour and provides links to Angmering Railway Station, towards Arundel, Shoreham by Sea, East Preston, Worthing and Lancing. Angmering train station is located approximately 1.6 miles from the site offering rail links to Southampton, Portsmouth, Brighton and Bognor Regis.

3. Planning History

3.1 The table below sets out the planning history of relevance to the application site:

Table 3.1: Planning History

Ref.	Description	Date / Decision
A/36/18/OUT	<i>Outline planning application with some matters reserved for the erection of up to 200 dwellings with access, public open space, landscaping and sustainable drainage system (SuDS) with vehicular access point from Arundel Road, one full-sized adult football pitch and the demolition of industrial units and one residential dwelling. Departure from the Development Plan.</i>	Refused 7 th September 2018.
A/122/19/OUT	<i>Outline application with some matters reserved for the erection of up to 160 dwellings with public open space, landscaping and sustainable drainage systems (SuDs), vehicular access point from Arundel Road; together with up to 1,393 square metres (15,000 square feet) of B1/B2 units with associated parking provision and vehicular access point from Arundel Road and land made available for expansion of current sports pitch provision (following the demolition of existing commercial units and one bungalow) (re-submission following A/36/18/OUT). This application is a Departure from the Development Plan.</i>	Approved 17 th March 2020.
A/207/21/PL	<i>Variation of condition following grant of A/122/19/OUT relating to Conditions Nos 4 - approved plans and 16 - vehicular access.</i>	Approved 23 rd November 2021.
A/235/21/DOC	<i>Application to discharge Condition 5 (Design Code) of A/122/19/OUT</i>	Undecided

3.2 The application under reference A/122/19/OUT was approved on the 17th March 2020. Condition 2 states a timescale for implementation of the permission of three years with the permission still extant.

Other relevant planning history

3.3 An adjacent application (along the eastern boundary of the site) for 9 dwellings was approved on the 21st September 2016 for the following (ref. A/131/16/OUT):

“Outline planning application with some matters reserved for 9 No. one & a half storey houses with garaging, including 3No. affordable housing units - This is a Departure from the Development Plan.”

- 3.4 We understand the above permission has been implemented.

4. Extant Planning Permission

- 4.1 A material consideration in the determination of this planning application is the extant planning permission at the site for residential and commercial development.

Background

- 4.2 Planning permission was granted by ADC on the 17th March 2020 under A/122/19/OUT for the following development:

“Outline application with some matters reserved for the erection of up to 160 dwellings with public open space, landscaping and sustainable drainage systems (SuDs), vehicular access point from Arundel Road; together with up to 1,393 square metres (15,000 square feet) of B1/B2 units with associated parking provision and vehicular access point from Arundel Road and land made available for expansion of current sports pitch provision (following the demolition of existing commercial units and one bungalow) (re-submission following A/36/18/OUT). This application is a Departure from the Development Plan.”

- 4.3 This planning permission established that the principle of residential development on the site was acceptable, alongside the re-provision of commercial land reflective of the existing land uses on-site. In addition, the provision of two access points served from Arundel Road into the site were approved as part of the permission, one serving the residential element, and one serving the commercial land, the details of which were agreed with West Sussex County Council (WSCC).
- 4.4 The Applicant could implement this planning permission in line with the timescales set out within Condition 2 on the Decision Notice. An application to discharge Condition 5 in relation to the Design Code for the site has already been submitted to ADC which was validated on 15 November 2021 under reference: A/235/21/DOC.

ADC’s planning assessment of the site

- 4.5 Pursuant to demonstrating the acceptability of the proposed development on the site, an overview of how ADC Officer’s considered the site within the Committee Report (‘report’) as part of the determination process is provided below - a full copy of the report is also enclosed at **Appendix 5**.
- 4.6 The relevant planning matters associated with the acceptability of the principle of development covered within the Committee Report are included as extracts below and focus upon:
- The sustainability of the site with regard to the acceptability of residential development on the site;
 - The Council, at the time, was unable to demonstrate a five year supply position – an up-to-date position in light of this application is discussed further at Section 7 of this Statement;

- The application of the presumption in favour of sustainable development in the determination of the application;
- The harm arising to the countryside from residential development on the site; and
- The re-provision of the commercial land on site.

4.7 These extracts are cross-referenced elsewhere within this Statement where relevant.

Sustainability of the site

4.8 With regard to whether the site is within a sustainable location, the report acknowledges that *"the site is in a sustainable location just over 15 minutes walking distance of a range of local shops, services, health and education facilities. There are bus services which enable access to Angmering railway station and the surrounding area. Whilst the private car could be required for longer distances, future residents would not need to rely on a car to be able to live comfortably."*¹

4.9 The report continues by stating:

"The site is environmentally sustainable as it lies on the northern edge of Angmering and it will be possible for residents to use non-car means of transport to access schools, shops and other services. Pedestrians would have the benefit of a street lit pavement on Arundel Road to access services to the south of the application site in the village centre. The proposal could help to support the local community by providing up to 160 dwellings with a mix of bedrooms (and 48 affordable homes) to meet future needs; and support the local economy by providing jobs in the Employment/Commercial Centre which would provide 1,393 square metres of floor space..."

4.10 The report also refers to the HELAA Report (2019) which assessed the site (HELAA Ref. 40 - Land at Seven Acres and New Place Nursery) as "developable" with a yield of 95 dwellings, and a density of 30 dwellings per hectare. The report stated: *"the site is considered to be viable and achievable."*

Five Year Supply Position

4.11 With regard to the five year supply position at the time of determination, ADC were *"The Council's Authority Monitoring Report (AMR) was considered at the Planning Policy Local Plan Sub-Committee in December 2019 and showed that the Council could no longer demonstrate a 5-year Housing Land Supply (HLS) as is required by the NPPF. Indeed, the AMR showed there is currently only a 3.7 year Housing Land Supply."*²

4.12 The report further confirms that at the time, the Council's Action Plan (2019) advises that ADC was required to:

"use of the 'presumption in favour of sustainable development' until such time as the 5-year housing land supply re-established. It recommends that applications be invited

¹ Page 13 of the Officer's Report to A/122/19/OUT

² Page 14 of the Officer Report to A/122/19/OUT

from landowners/developers on 'deliverable' HELAA sites to re-establish the 5 year housing land supply.

The release of further land for housing will help to maintain delivery rates. This may have to include sites outside the built-up area boundary and it would be preferential if such sites were located close to the edge of the BUAB and in sustainable locations which minimise the need to use the private car.” (Turley emphasis)

The proposed development of up to 160 houses on the site would go a considerable way in achieving the Council's Five Year Housing Land Supply. ” (Turley emphasis)

Impact on the countryside

4.13 With regard to the harm arising to the character of the countryside, the report states:

“It is considered that there would be limited harm to the character of the countryside if the application site was developed. If development on this site was allowed, it would be possible to secure a footpath link to the PRoW which runs to the west of the site and make contributions towards the delivery of a cycle route from the A27 in the north to Angmering Village Centre to the south. It is not enough to simply refuse an application on the grounds of being in the countryside without there being some form of demonstrable harm to the character or beauty of the countryside.”(Turley emphasis)

Presumption in favour of sustainable development

4.14 With regard to whether the presumption applies, the report states:

“ The National Planning Policy Framework (NPPF) 2019 is a material consideration in determining planning applications. As the Council cannot currently demonstrate a 5-year HLS, paragraph 11 (d) of the NPPF and the application of the 'presumption' for sustainable development is triggered.

This means that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (such as where the local planning authority cannot demonstrate a five year supply of deliverable housing sites), planning permission should be granted unless (i) the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or (ii) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

There is no question that (i) does not apply to this determination as the site does not lie in a protected landscape. In respect of (ii), the remainder of this report will show that there are no adverse impacts associated with the proposal. The presumption in favour of sustainable development would apply.”

4.15 The application was identified as representing sustainable development and the report concluded:

“The proposal represents sustainable development and the NPPF 'presumption in favour of sustainable development' is engaged. This and the other material

considerations set out above combine to outweigh the conflict with the policies of the development plan and serve to allow for the principle of the application to be supported.”

Re-provision of commercial land

- 4.16 Given the existing commercial provision on-site, when applying Local Plan policy EMP DM1(6), the report considered that *“The proposed Commercial / Employment Centre comprises the re-development of existing commercial premises on the site, in accordance with Policy EMP DM1(6.a). The proposed Commercial / Employment development would cover approximately the same amount of industrial floor-space as the existing employment uses on the site and consequently, it is considered that it would not intensify uses at the site to the detriment of existing routes and highways, in accordance with Policy EMP DM1(6.b)*

The employment provision has increased during the consultation period from 557 square metres up to a revised proposal for 1,393 square metres on the site, which would be spread over two storeys. The proposed employment floorspace would provide approximately the same amount of floorspace as currently exists within the application site (i.e. 1,389 square metres).

The proposed development would provide a significant qualitative enhancement on the existing employment offer at the site, capable of supporting small offices or be sub-divided into services office space or provide industrial workshop space.”

5. The Proposed Development

- 5.1 The proposal is seeking full planning permission for 160 residential units including open space, landscaping and sustainable drainage systems (SuDs) and two vehicular access points from Arundel Road; and outline planning permission for up to 1,393 square metres (15,000 square feet) of Class E floorspace with associated parking.
- 5.2 The site layout plan submitted as part of this application shows the proposed residential properties located across the site with the commercial units situated to the south-east of the site.
- 5.3 In summary the proposals will provide the following:
- Residential development for 160 new dwellings and up to 1,393 sq m of commercial floorspace;
 - A proposed commercial centre (Class E) providing up to 1,393 sqm of floorspace with associated infrastructure;
 - New open space, including new recreational footways, connecting into the surrounding public rights of way network and the provision of a LAP (Local Area of Play) and a Local Equipped Area for Play (LEAP);
 - Sustainable Drainage System (SuDS) in the form of attenuation basins designed to manage surface water and provide new wildlife habitats
 - Vehicular access points off Arundel Road, the primary access serving the residential development, and a secondary access point serving the commercial area;
 - Additional landscape and ecological enhancements to serve the development; and
 - New pedestrian and cycle access will be incorporated within the design proposals.

Residential Development

Market Mix

- 5.4 The proposed market mix is listed in the table below:

Proposed Market Mix

Tenure	No. of units
2 Bedroom House	16
3 Bedroom House	29
4 Bedroom House	59

Tenure	No. of units
5 Bedroom House	8
TOTAL:	112

Affordable Housing

5.5 The proposed breakdown of affordable housing mix is listed in the table below:

Proposed Affordable Housing Mix

Tenure	No. of units
Rented	
1 Bedroom Flat	8
2 Bedroom House	15
3 Bedroom House	11
4 Bedroom House	2
TOTAL:	36
Shared Ownership	
2 Bedroom House	6
3 Bedroom House	6
TOTAL:	12

5.6 An Affordable Housing plan identifying the location of these units is included within the submission.

Scale and Density

5.7 The design of the scheme is discussed in further detail within Section 8 of this statement, however we summarise elements of the scale and density of the proposed development below.

5.8 The proposed development will be limited to 2 storey in height for the residential element, with garages at single storey.

5.9 The density of the site is 17.97 dwellings per hectare (gross), which is broadly reflective of the density approved under outline planning permission on the site (A/122/19/OUT).

Parking and Cycle Parking

5.10 The scheme proposes the following vehicle parking provision as set out in the table below:

Proposed Vehicle Parking Spaces

Tenure	Total Parking Spaces (incl. compliant garages)
1 bed	16
2 bed	74
3 bed	105.5
4 bed	154.5
5 bed	24
Visitor Spaces	34
TOTAL	408

Domestic Waste & Recycling

- 5.11 Provision has been made within the scheme to accommodate refuse storage either within the gardens of dwellings or communal storage areas which will meet the Council's adopted requirements.
- 5.12 In addition, appropriate refuse collection points have been identified across the scheme to ensure acceptable collection distances are achieved.

Open Space

- 5.13 The proposal includes the provision of 3.2ha of open space across the site.
- 5.14 There is a parcel of land to the north-east of the site which will incorporate a LAP, alongside an area of land to the west which will include a LEAP.
- 5.15 In addition, 2.1ha of open space is positioned along the southern boundary of the site, to the west of the commercial land.

Implementation

- 5.16 The Applicant is committed to bring forward the residential element as soon as possible and would seek to be on-site in mid 2022 subject to planning permission being granted and relevant conditions being discharged.

Commercial Development

- 5.17 The commercial element of the proposal is in outline and the detailed design of the development will be secured through a reserved matters application.

Proposed Uses

- 5.18 The proposal incorporates the provision of up to 1,393sqm of Class E floorspace.

Scale

- 5.19 The commercial element whilst in outline has a maximum height parameter of up to 12m which will guide any future reserved matters application

Vehicle and Cycle Parking

5.20 This will be considered at reserved matters stage.

Access

- 5.21 Two access points are proposed into the site, reflective of the position approved under the outline planning permission.
- 5.22 The primary access will serve the residential development access from Arundel Road and shown on application drawing C86473-JNP-90-XX-DR-C-2501.
- 5.23 The secondary access will serve the future commercial area which is positioned to the south of the primary access as shown on application drawing C86473-JNP-77-XX-SK-7007.
- 5.24 Both access arrangements have been previously agreed with West Sussex County Council as part of the extant planning permission A/122/19/OUT issued by Arun District Council.

6. Planning Policy Context

- 6.1 This section of the Planning Statement outlines the statutory Development Plan and other material considerations relevant to the determination of this planning application. It provides a review of the key planning policies which are the subject of a more detailed assessment.

The Development Plan

- 6.2 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, applications are to be determined in accordance with the Development Plan unless material consideration indicate otherwise.
- 6.3 The Development Plan in this case currently comprises the following:
- The Arun Local Plan 2011-2031 (July 2018);
 - Adopted Policies map;
 - West Sussex Joint Minerals Local Plan 2018; and
 - West Sussex Waste Local Plan (2014).

Arun Local Plan (2011-2031)

- 6.4 Arun District Council adopted their Local Plan in July 2018. Relevant policies from the adopted plan are set out below:
- Policy C SP1: Countryside
 - Policy SD SP1: Sustainable Development
 - Policy SD SP2: Built-up Area Boundary
 - Policy H SP1: Housing Requirement
 - Policy GI SP1: Green Infrastructure and Development
 - Policy AH SP2: Affordable Housing
 - Policy H DM1: Housing Mix
 - Policy D SP1: Design
 - Policy LAN DM1: Protection of Landscape Character
 - Policy D DM1: Aspects of form and design quality
 - Policy D DM2: Internal Space Standards

- Policy ECC DM1: Renewable Energy
- Policy ECC SP2: Energy and climate change Mitigation
- Policy ECC SP1: Adapting to Climate Change
- Policy ENV DM4: Protection of trees
- Policy ENV DM5: Development and biodiversity
- Policy HWB SP1: Health & Wellbeing
- Policy SKILLS SP1: Employment Skills
- Policy EMP SP1: Strategic Economic Growth
- Policy EMP DM1 Employment Land: Development Management
- Policy INF SP1: Infrastructure provision and implementation
- Policy OSR DM1: Open Space, Sport & Recreation
- Policy QE DM1: Noise Pollution
- Policy WDM2: Flood Risk
- Policy T SP1: Transport and Development
- Policy T DM1: Sustainable Travel and Public Rights of Way
- Policy HER SP1: The Historic environment
- Policy HER DM3: Conservation Areas
- Policy HER DM6: Sites of Archaeological Interest
- Policy ENV SP1: Natural Environment
- Policy QE DM2: Light Pollution
- Policy QE DM3: Air Pollution
- Policy QE DM4: Contaminated Land
- Policy QE SP1: Quality of the Environment
- Policy SO DM1: Soils
- Policy WM DM1: Waste Management
- Policy W DM3: Sustainable Urban Drainage Systems

- Policy WSP1: Water
- Policy W DM1: Water Supply and Quality
- Policy TEL SP1: Strategic delivery of telecommunications infrastructure.

Angmering Neighbourhood Plan (2015)

6.5 Angmering adopted their neighbourhood plan in 2015³. Policies in the Angmering Neighbourhood Plan that relate to the supply of housing have greater reduced weight because they relate to out of date housing needs as the policies were based on the 2003 Local Plan which has now been superseded by the Arun Local Plan (2011-2031).

6.6 The following policies are of relevance to this application:

- Policy HD1 (Built-up Area Boundary)
- Policy HD3 (Housing Mix)
- Policy HD4 (Materials)
- Policy HD5 (Built Form)
- Policy HD6 (Housing Layout and Design)
- Policy HD7 (Housing Density)
- Policy HD8: (Parking for new developments)
- Policy HD9 (Phasing of residential development)
- Policy TM1 (Local Highways)
- Policy TM2 (Cycling Walking & Equestrian)

Community Infrastructure Levy

6.7 Arun District Council adopted its Community Infrastructure Levy (CIL) in April 2020.

6.8 The site is located in Zone 3 and for sites of 11 residential units or more the CIL charging rate is £99.60/m². The commercial element of the scheme attracts a nil CIL charge.

Other Material Considerations

National Planning Policy Framework (NPPF)

6.9 The NPPF was published in July 2021 and sets out the Government's planning policies for England and how these are expected to be applied. The following key paragraphs are considered to be of relevance to the determination of this application:

³ We understand there is the intention to develop a new neighbourhood plan but we understand this is on hold.

- Paragraphs 7-14 (Achieving Sustainable Development)
- Paragraphs 38,39, 47 – 49 (Decision-making)
- Paragraphs 60-67 (Delivering a sufficient supply of homes)
- Paragraphs 74-77 (Maintaining supply and delivery)
- Paragraphs 92-93 (Promoting healthy and safe communities)
- Paragraph 98 (Open space and recreation)
- Paragraphs 104 and 111-113 (Promoting sustainable transport)
- Paragraphs 119-120, 124-125 (Making effective use of land)
- Paragraphs 126, 128-133 (Achieving well-designed places)
- Paragraphs 154, 157, 167, 169 (Meeting the challenge of climate change, flooding and coastal change)
- Paragraphs 174, 180, 183-185 (Conserving and enhancing the natural environment)
- Paragraph 194 -195, 197, 202 (Conserving the historic environment)

National Planning Practice Guidance (NPPG)

6.10 The DCLG published the Planning Practice Guidance (PPG), a web based resource to reflect and support the NPPF on 6th March 2014. The following sections are considered relevant to this proposal.

- Design processes and tools
- Housing supply and delivery
- Planning obligations

Supplementary Planning Documents

Parking Standards SPD (January 2020)

6.11 The Arun District Council Parking Standards January 2020 SPD was officially adopted at the Full Council meeting of 15 January 2020.

6.12 The site falls in Zone 2 as identified within the Council's parking standards map. The table below sets out the requirement for parking on the site:

Table 6.1: Parking Requirements

Number of Bedrooms	Number of Habitable Rooms	Parking Spaces (Zone 2)
1	1 to 3	2
2	4	2
3	5 to 6	2
4+	7 or more	3

Public Open Space, Playing Pitches and Built Facilities SPD (January 2020)

- 6.13 The Arun District Council Public Open Space, Playing Pitches and Built Facilities January 2020 SPD was officially adopted at the Full Council meeting of 15 January 2020.

Arun Design Guide SPD (January 2021)

- 6.14 The Council recently adopted their Borough Wide Design Guide.

Emerging Local Plan

- 6.15 Paragraph 48 of the Framework states:

Local planning authorities may give weight to relevant policies in emerging plans according to:

a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

- 6.16 Arun District Council published their most recent Local Development Scheme (LDS) in July 2020 which sets out the Councils timeline for their Local Plan review:

Stage	Date
Regulation 18(1) Consultation on DM Policies	Autumn 2021
Regulation 18(2) Draft DM Policies	Spring 2022
Council adoption of interim DM Policies	Spring 2022
Regulation 18(1) Consultation on Strategic Policies	Spring 2022
Regulation 18(2) Draft Strategic Policies DPD	Summer 2022

Stage	Date
Regulation 19 Publication (DM and Strategic Policies combined)	Spring 2023
Submission	Summer 2023
Examination	Autumn 2023
Adoption	Winter 2023

6.17 However, contrary to the above dates, minutes from the Planning Policy Committee meeting held on the 6th October 2021 state that the committee recommended to full Council that preparation of the revised Local Plan should be paused until details of the new plan making system be agreed, and that the pause be reviewed in 6 months time.

6.18 The emerging Local Plan has now weight in the determination of this application.

Other relevant documents

Design

6.19 National Design Guide (January 2021)

Housing Delivery

6.20 Authority Monitoring Report (December 2020)

6.21 HELAA Report - The Councils' 2018 HELAA (updated March 2019) assessed the site (HELAA Site Ref. 40) as being deliverable and noted it was considered suitable with no major constraints to overcome. -

Local Plan Designation

6.22 The adopted policies map identifies the following designation for the site:

6.23 Outside the Built-up Area Boundary

7. Planning Assessment: The Principle of Development

- 7.1 This section of the Planning Statement assesses the proposed development against the adopted Development Plan and other material considerations as outlined in Chapter 4 of this Statement.

Approach

- 7.2 Section 54(a) of the Town and Country Planning Act (1990), as amended by Section 38 (6) of the Planning and Compulsory Purchase Act 2004, states that Local Planning Authorities (LPAs) should determine planning applications in accordance with the Development Plan unless material considerations indicate otherwise.
- 7.3 Other material considerations can be very wide and have a significant influence upon decision-making. However, such considerations are not all of the same weight which is an important distinction given the planning balance that has to be drawn. This Statement deals with the matter of planning balance and weight.
- 7.4 On this basis, and having regard to Section 38 (6) of the Act, the key issues to be considered in determining the planning application are:
- whether the proposals accord with the development plan (in respect of both the residential and commercial uses) when read as a whole, and;
 - if not, whether there are other materials considerations which indicate that the application should be determined otherwise than in accordance with the plan.
- 7.5 With regard to the commercial element which is proposed in outline, the following has been considered:
- The adopted Development Plan planning policy position with regard to existing employment land.

Principle of Residential Development

The adopted Development Plan

- 7.6 The starting point for the consideration of this application is the adopted Development Plan. When considering the proposals against these Local Plan policies, as things stand, the development is beyond the built-up area boundary within the countryside where residential development of this nature would not be supported.

Extant Planning Permission

- 7.7 The site benefits from extant outline planning permission (A/122/19/OUT) for up to 160 dwellings, 1,393 sqm of commercial floorspace complemented by open space.
- 7.8 This is of relevance for the reasons set out below:

- The principle of up to 160 dwellings has already been established and accepted by the LPA by Officers and ADC's planning committee. See extracts from the Committee Report at Section 4 of this Statement, many of which equally apply to the consideration of this application.
- The Housing and Employment Land Availability Assessment 2020 (HEELA) identifies the site as 'Land off Arundel Road at Seven Acres and New Place Nursery – Site Ref. 40 as a commitment due to the extant planning permission on-site. However, even prior to the planning permission being granted, the HEELA (2019) identified the site as developable and deliverable.
- The provision of 160 dwellings will continue to make a significant contribution to remedy the lack of five year supply alongside provide 48 affordable houses which will assist in addressing the issue of affordability within the District. ADC Officers considered through the extant planning permission that *'the proposed development of up to 160 houses on the site would go a considerable way in achieving the Council's Five Year Land Supply'* (See Committee Report at **Appendix 5**).
- For the purposes of ADC's 5 year supply position, the AMR (1st April 2019-31st March 2020), the site is considered to form part of the Council's supply of 3.3 years. More specifically, the Council has assumed the following delivery rates within the AMR:

Years 0-1	Years 1-2	Years 2-3	Years 3-4	Years 4-5
0	0	22	30	30

- Officers' accepted through the Committee Report to the extant planning permission A/122/19/ OUT(enclosed at **Appendix 5**) that to rectify the 5 year supply position *'the release of further land for housing will help to maintain delivery rates. This may have to include sites outside the built-up area boundary and it would be preferential if such sites were located close to the edge of the BUAB and in sustainable locations which minimise the need to use the private car.'* This position still applies.

7.9 In light of the above, the extant planning permission is a significant material consideration in favour of granting planning permission on the site.

Presumption in Favour of Sustainable Development

- 7.10 The Framework is a material consideration and at Paragraph 10 it confirms that, at the heart of the Framework is a presumption in favour of sustainable development ('the presumption'. This has been reflected within Local Plan Policy SD SP1 (Sustainable Development)
- 7.11 In relation to decision-taking, Paragraph 11 explains that sustainable development means:

- c) *“approving development proposals that accord with an up-to-date development plan without delay; or*
- d) *“where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
 - i) The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
 - ii) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”*

- 7.12 However, in our view, point d) is engaged and the presumption should be applied in the determination of the application given the ‘*the policies which are most important for determining the application are out-of-date*’. The position is similar to that accepted by ADC through the extant planning permission.
- 7.13 Firstly, we note that footnote 8 of paragraph 11 states that for policies to be considered out-of date, ‘*this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 74); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.*’
- 7.14 In the case of Arun District, the Local Plan was adopted in July 2018 and established a housing requirement of 20,000 homes over the plan period to 2031, equating to 1,000 per annum.
- 7.15 However, through the Housing Delivery Test (2020), it has been identified that against this Local Plan requirement⁴, only 61% of this required has been delivered within the last 3 years. The consequence of this position is that the presumption automatically applies. In fact, this position has significantly worsened since the determination of the extant planning permission when ADC was achieving 91% of its housing target.
- 7.16 Secondly, when considering the clarification of footnote 8, the presumption equally applies where Arun District is unable to demonstrate a five year supply of deliverable housing. In this case the five year supply position will include the additional 20% buffer due to historic under delivery⁵.
- 7.17 The Annual Monitoring Report (2019-2020) set out at paragraph 13.4, that ADC consider that it can only identify 3.3 years of housing supply. This position has been further accepted through two recent appeal decisions (see **Appendix 6**). As noted at

⁴ We note that the Plan is not older than 5 years and therefore the housing requirement within the adopted Arun Local Plan applies.

⁵ In line with paragraph 73 of the Framework

paragraph 7.10, the application site currently contributes to the 3.3 year identified supply, so without the delivery of the site ADC's supply position in fact worsens.

- 7.18 It is clear that when considering the two points above, ADC is unable to identify sufficient specific sites identified over the next 5 year period to bring forward the projected level of housing required to meet the District needs, which is compounded by significant under delivery of housing against its requirements within the last 3 years.
- 7.19 In light of the Wavendon Judgement, it is considered that the 'most important policies' for determining the application are out-of-date, which in our view applies to Policy SDSP2 Built-up Area Boundary and Policy CSP1 Countryside and should be applied limited weight in the determination of this application. These policies constrain the ability of ADC to deliver housing within the District.
- 7.20 Policies SDSP2 Built Up Area Boundary and CSP1 Countryside are restraining the ability for ADC to significant boost its supply of housing. Therefore, the presumption should be applied to the decision-making process of this application in any event.
- 7.21 Notwithstanding the above, we would note that the proposals are in conformity with a significant proportion of the relevant policies contained in the Development Plan, and therefore accord with the development plan as a whole. This position is explored further within Sections 8 and 9 of this Statement.

The Titled Balance

- 7.22 For the purposes of this application, the development is not within a location identified under paragraph 11 d)(i) as clarified within footnote 7 of the Framework. Therefore, paragraph 11 d)(ii) applies which states that planning permission should be granted unless:
- ii) any adverse impact of doing so would significant and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.**
- 7.23 Officers' accepted through the extant permission that *'There is no question that (i) does not apply to this determination as the site does not lie in a protected landscape. In respect of (ii), the remainder of this report will show that there are no adverse impacts associated with the proposal. The presumption in favour of sustainable development would apply.'*
- 7.24 As a consequence of the housing land supply shortfall and findings of the Housing Delivery Test, paragraph 11(d) of the Framework and the titled balance is engaged, because there are no policies within the Framework that provide a clear reason for refusing the development.
- 7.25 In light of demonstrating accordance with paragraph 11(d)(ii) of the Framework, an analysis of the social, economic and environmental benefits of the proposals are included at Section 11 of this Statement.

Principle of Commercial Development

- 7.26 This hybrid applications seeks outline planning permission for up to 1,383 sq. m (15,000 square feet) of Class E floorspace with associated parking provision and vehicular access point from Arundel Road.
- 7.27 A similar quantum of development was proposed within the extant permission and accepted by Officers. Please see extracts from the Officer's report at Section 4 of this Statement.
- 7.28 Policy SD SP1a (Strategic Approach) of the Local Plan '*encourages the effective use of previously development land*' provided that is not of high environmental value.
- 7.29 Part of the application site constitutes previously developed land providing approximately 1300 sqm of commercial floorspace. This area of the site is occupied by 9 businesses, including vehicle repair shops and a pvc window showroom and workshop. The wider employment site is used for the storage of cars and caravans. Therefore, the principle of redeveloping this part of the site would be acceptable in any event and in line with Policy SP SP1.
- 7.30 With regard to the type and quantum of employment floorspace being proposed within the outline element, consideration has been given to the strategic employment objective of the plan that focusses upon diversifying employment land alongside the amendments to the Use Class Order (2020) and the technical work that has been undertaken by the Applicant to support this application.
- 7.31 It is considered that the provision of Class E floorspace would be suitable and appropriate in this location given the amenity issues that are may arise from proposing alternative B class uses especially with regard to noise impact. The proposed floorspace will be employment generating and is compatible with neighbouring residential uses.
- 7.32 In addition, in line with Policy EMP DM1 (Employment Land: Development Management) which supports the upgrading of existing employment areas outside the built-up areas, the proposal:
- The scheme does not propose an extension to the site although re-provides a similar quantum of employment floorspace to the existing site, thus not intensifying the existing use;
 - The propose development will deliver a specific pedestrian and vehicular access to the employment land which is an improvement on the existing situation and accord with the relevant standards;
 - The detailed design of the scheme would be subject to a future reserved matters application and would need to accord with the Arun Design Guide;
 - Appropriate landscaping and noise mitigation has been proposed along the boundaries to the commercial land to protect the amenity of future residential occupiers;

- The site is within a sustainable location as accepted by officers through the extant planning permission; and
- The supporting technical evidence to this application demonstrates the acceptability and suitability of the scheme to other environmental disciplines.

7.33 Given the above, it is considered that the proposed development will deliver an alternative, high quality, employment generating uses accords that accords with the strategic objectives of the adopted Development Plan.

8. Design Approach and Policy Considerations

- 8.1 This section will discuss the design and layout of the scheme in detail and assess how it complies with the National Design Guide, Arun's adopted Local Plan policies for design and the Arun Design Guide SPD.
- 8.2 The starting point for assessment is Arun's adopted policies which is supported by the Borough Design Guide. The Borough Design Guide has been prepared on the basis that the distinctive historic environment, built form and landscape character of Arun provide a significant opportunity for the future of the District.

ADC's Local Plan and Angmering's Neighbourhood Plan Design Policies

- 8.3 The Local Plan sets out a number of design policies to guide development. The policies outlined below have been considered through the design evolution process and influenced the final residential layout and detailed design of the proposal.
- 8.4 With regard to the commercial land, the detailed design considerations would be subject to a reserved matters application.
- 8.5 The relevant Local Plan design policies are:
- Policy D SP1 (Design) requires that new development makes an efficient use of land albeit reflective of the characteristics of the site and the local area. Consideration needs to be given to:
 1. Layout
 2. Landscaping
 3. Density
 4. Mix
 5. Scale
 6. Materials and architectural detailing
 - Policy D DM1 (Aspects of form and design quality) reflects a similar requirement to Policy D SP1 with an additional focus upon:
 1. Impact on amenity
 2. Adaptability
 3. Crime Prevention
 4. Trees
 5. Public Realm

6. Layout- movement, legibility, density, scale

- Policy D DM2 (Internal Space Standards) identifies that Nationally Described Space Standards are guidance, with a requirement for internal spaces to be an appropriate size.
- Policy HDM1 (Housing mix) requires a balanced mix of market housing and based upon the most up-to-date SHMA recommendations.
- Policy GI SP1 (Green Infrastructure and development) requires all major development to be designed to protect and enhance existing Green Infrastructure assets.
- Policy AH SP2 (Affordable Housing) requires that on developments over 11 residential units, 30% of the total number of units are affordable, with an expectation that 75% rent and 35% intermediate housing will be provided. An indicative affordable dwelling mix is also provided.

8.6 The relevant Angmering Neighbourhood Plan Policies are as follows:

- Policy HD3 (Housing Mix) requires that new developments provide a mix of housing sizes
- Policy HD4 (Materials) identifies the requirements for local features and materials to be incorporated into new developments;
- Policy HD5 (Built Form) requires proposals to consider the impacts on its surroundings
- Policy H7 (Housing Density) requires that density reflects the surrounding area
- Policy H8 (Parking for new developments) requires all developments accord with WSCC parking standards

National Design Guide (January 2021)

8.7 The National Design Guide (January 2021) is a response to the 'Creating Space for Beauty' interim report by the Building Better, Building Beautiful Commission published in July 2019. This guide illustrates how well-designed places that are beautiful, enduring and successful can be achieved in practice. It forms part of the Government's collection of planning practice guidance and should be read alongside the separate planning practice guidance on design process and tools.

8.8 The National Design Guide addresses the question of how we recognise well designed places, by outlining and illustrating the Government's priorities in the form of 10 characteristics. The choices made in the design process contribute towards achieving these characteristics and shape the character of the place.

Arun Design Guide SPD (January 2021)

- 8.9 The purpose of the Design Guide SPD is to promote good design and has been prepared as part of the Council's commitment to secure the highest quality new development within the District.
- 8.10 The aim of the Design Guide is to provide detailed information that supplements the design policies of the Arun Local Plan, raising the design standard across the District and setting out ADC's expectations on how the distinctive character and qualities of the District should be respectfully improved and enhanced through development.

Design and Access Statement

- 8.11 The supporting Design and Access Statement (DAS) has been prepared by OSP in light of adopted planning policies and with particular regard given to the requirements of the Arun Design Guide. The DAS has provides a clear and coherent design framework to guide ADC through how the layout and detailed design of the scheme has evolved. Detailed comments on access are included at Section X of this statement.
- 8.12 Considerations has been given to the detailed elements of the residential element of the scheme, with parameters identified in relation to the commercial land which is to be considered in outline form. The parameters will guide a future reserved matters application on the site.

Scheme Provision: Residential

- 8.13 This section considers the design of the development with regard to the following:
- Site Characteristics and Character Areas
 - Proposed Site Layout
 - Housing Mix and Affordable Housing
 - Open Space Provision
 - Landscaping

Characteristics of the site and local area

- 8.14 Section 2 of the DAS provides a detailed overview of the site context and local character areas alongside an analysis of the opportunities and constraints of the site. These have assisted in evolving the approach to defining the masterplanning principles and allowed the layout to respond to site specific opportunities of the site.
- 8.15 This has informed the creation of four distinct character areas within the site across which the dwellings have been limited to 2 storeys in scale (maximum ridge height of 9.5m)⁶. These character areas discussed at Section 5.2 of the DAS have led to varying densities within the site itself alongside consideration given to how the proposed

⁶ A Proposed building heights plan supports the submission

dwelling interact with site boundaries and the new open space being provided. The density, mix and plot layouts all contribute towards creating a sense of place across the site.

Proposed Site Layout

8.16 The design evolution has led to a planning layout that has assisted in the delivery of the following:

- Creation of key vistas and viewing corridors within the site, with green corridors running north to south, and east to west, with a landscaped gateway at the primary access along Arundel Road creating a sense of arrival into the development;
- The scheme has evolved around 4 distinct character areas that guide the density, layout and appearance of the scheme. Further detail is provided at Section 5.2 of the DAS;
- A series of central green spaces and open spaces are incorporated through the site which will provide a LEAP and LAP to serve the development;
- A scheme that has aspired to deliver on the detailed design requirements outlined within the Design Guide (i.e. back to back distances and garden sizes);
- The delivery of 160 units through a range of 1, 2, 3, 4 and 5 bedroom properties at a similar overall density to that established through the extant planning permission on-site which is considered to accord with the local character of the area. The density varies across the site reflective of the individual character areas that have been identified within the DAS;
- A series of primary and secondary access routes are proposed across the site creating a road hierarchy with a distinction made through surfacing material;
- Pedestrian/cycle routes incorporated to link with the existing PROW to the west and the cycle/pedestrian routes along Arundel Road to the east;
- Individual properties have been guided by the requirements for internal space standards to be achieved, with the footprint of each property according with these requirements;
- Incorporates 23 dwellings that are accessible and adaptable, with 17 dwellings as M4(2) design standards, and 6 dwellings as M4(3) design standards for disabled occupation. A proposed disabled access dwelling plan supports this submission;
- Parking provision has been included either through individual parking spaces or through garages. Further detail is provided as Section 9 of this statement;
- Proposes appropriate noise mitigation measures between the commercial land and the new residential properties (additional detailed provided at Section 9 of this Statement); and

- Ensuring appropriate relationships between the residential properties and the retained trees on the site, including along the site boundaries to integrate within the landscape context.

8.17 The above approach is considered to align with the relevant Local Plan design policies outlined above. A detailed review of the technical disciplines against relevant policies is included at Section 9.

Appearance

8.18 Section 5 of the DAS sets out the approach taken to the appearance of the proposed development with regard to material palette that has influenced the elevational treatment to the dwellings across the site. This approach is considered to comply with the requirements of Policy HD4.

8.19 The application is supported by a 'Buildings materials distribution plan' alongside detailed floorplans and elevations of each individual dwelling. A series of street elevations have also been provided to provide an indication of the scale and character of the development within its context.

8.20 Consideration has also been given to boundary treatments across the site with a 'Proposed boundary materials distribution plan' supporting this submission.

Housing Mix

8.21 Consideration has been given to the location of the site and the surrounding context. The housing mix is as follows:

Dwelling size	No. of dwellings
2 Bedroom House	16
3 Bedroom House	29
4 Bedroom House	59
5 Bedroom House	8
TOTAL:	112

8.22 The proposed mix ensures that there is a lower density along the site boundaries through larger dwellings providing opportunities for additional soft landscaping and dwelling frontage that softens the interface between the development and the countryside (west) and the woodland (to the north). This approach enables a landscape led strategy to be taken within the site itself and reduce the significant parking areas that would otherwise be required. In addition, it responds to the density of the new development under construction directly to the east of the site along Arundel Road and serves as a transition between the countryside and the centre of Angmering.

Affordable Housing Provision and Mix

- 8.23 The proposed development incorporates the provision of 48 dwellings provided as affordable homes, equating to 30% affordable housing. This position accords with the requirements of Policy AH SP2 which requires the provision of 30% of the total number of dwellings proposed to be in the form of affordable housing.
- 8.24 With regard to tenure mix, the proposals provide for 36 affordable rent dwellings (75 %) and 12 shared ownership dwellings (25%) according with the adopted policy requirements.
- 8.25 With regard to affordable housing mix, prior to the submission of this application, the Applicant has engaged with ADC's Housing Officer to agree the mix of the proposed scheme in light of on-going discussions with potential registered providers. The following is proposed:

Affordable rent	No. of dwellings
1 bed	8
2 bed	15
3 bed	11
4 + bed	2
Intermediate: Shared Ownership	No. of dwellings
1 bed	0
2 bed	6
3 bed	6
4+ bed	0

Open Space Provision

- 8.26 Paragraph 8 of the Framework sets out the social objective for achieving sustainable development. The objective acknowledges the importance of accessible open spaces that reflect the current and future needs. Paragraph 98 acknowledges the importance of access to a network of high quality open spaces.
- 8.27 Local Plan policy OSR DM1 (Open space, sport and recreation) requires new developments to contribute towards open space provision (in accordance with guidance set out in the current Open Space Study).
- 8.28 The supporting landscape strategy within the DAS that accompanies this application sets out the schemes provision towards open space. In essence, there are 4 principle open spaces within the site, with green links incorporated into the site layout. The proposals incorporate existing green infrastructure within and around the site boundaries where possible, and propose enhancements within the site layout itself.

- 8.29 The provision of a LEAP and LAP are shown within the proposals alongside areas forming natural/semi-natural green spaces, amenity space and green infrastructure.

Landscaping

- 8.30 With regard to landscaping and the public realm, a landscape strategy plan has been prepared to support this submission. In addition, Section 8 of the DAS sets out the approach to enhancing the streetscene through additional planting and street furniture.
- 8.31 The design of the scheme has evolved and included character areas which respond to natural features within the site including tree-lines, hedgerows and propose landscape enhancements across the site addressing the ecological enhancements recommended as part of this submission. The character areas relate to land use and to the landscape sensitivity of the respective parts of the site which have led to the varying densities and aim to provide a variety of built form and landscape across the site, in keeping with the local character.
- 8.32 Key features of the character areas include the following:
- Higher densities along the spine streets will create stronger building frontages to assist in enclosing and framing the key movement routes through the development;
 - Lower density development fronting the green infrastructure that encloses the residential development area to the north, west and south will assist in creating an appropriate transition from the built and the countryside; and
 - Lower density development overlooking Arundel Road will assist in creating an appropriate approach to Angmering and respect the prevailing character of Arundel Road immediately to the south of the site.
- 8.33 It is considered the above will deliver a landscape led development and demonstrates how the proposed development will successfully integrate with its surrounding context.

Scheme Provision: Commercial

- 8.34 The commercial area of the scheme is only seeking outline planning permission at this time. Section 5.15 of the DAS sets out one way in which the proposed development could come forward at reserved matters stage. It is proposed for 0.4ha of land to be identified for commercial development to accommodate up to 1,393 sqm of Class E floorspace.
- 8.35 At this stage, whilst the commercial element is not for detailed consideration, it is considered that appropriate mitigation has been incorporated into the proposed development to protect the amenity of future residents with regard to potential noise generation.

Summary

- 8.36 It is considered that the DAS comprehensively sets out the design approach to the scheme and seeks to address the relevant design policies within the Local Plan and the objectives set out within the Arun Design Guide.

9. Other Technical Considerations

- 9.1 This section will discuss the other technical considerations in relation to the scheme and how they comply with National and Local policy requirements.

Landscape Impact

- 9.2 The Framework recognises the intrinsic character and beauty of the countryside, whilst supporting thriving rural communities within it. Paragraph 130 states that planning decisions should ensure developments are sympathetic to the landscape setting, while not preventing or discouraging appropriate innovation or change. Paragraph 174 states that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.
- 9.3 Local Plan policy LAN DM1 (Protection of Landscape character) states that development within the setting of the South Downs National Park must have special regard to the conservation of that setting, including views into and out of the Park. The policy requires that development throughout the plan area should respect the particular characteristics and natural features of the relevant landscape character areas.
- 9.4 In this regard, the extant planning permission on the site (A/122/19/OUT) was supported by a Landscape and Visual Impact Assessment prepared by CSA which included a number of viewpoints across the local area including from the South Downs National Park. This conclusions of this document were accepted by ADC Planning Officers and influenced the acceptability of residential and commercial development on the site. Specific references from the Committee Report are included at paragraph 4.13 of this Statement.

Heritage

- 9.5 Paragraph 195 of the Framework states that *"Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal."*
- 9.6 Reflective of the Framework, Policy HER SP1 (The Historic Environment) states that the Council will grant planning permission for development proposals that conserve or enhance the historic environment of the District based on a list of criteria.
- 9.7 As part of this submission the Heritage Statement that supported the outline planning permission (A/122/19/OUT) on the site alongside a short Addendum in respect of the proposals have been included within this planning application.
- 9.8 The Assessment recognises that within the vicinity of the site, there are a number of listed buildings including:

- Newplace Farmhouse Grade II*
 - Decoy Cottage Grade II
 - Angmering Conservation Area
- 9.9 The Assessment concludes that there is no harm to these assets arising from the development proposals.
- 9.10 In addition, within the site itself, five possible Nissen Huts have been identified which are thought to have moved to the site post-war. These have been identified as being of negligible heritage significance.
- 9.11 The supporting Addendum re-iterates the above, alongside confirming that ADC's Conservation Officer agreed with the conclusions set out within the Heritage Assessment through his consideration of the outline planning permission, particularly with regard to the Nissen Huts. The Conservation Officer response on (A/122/19/OUT) concluded that *"the proposed development would not harm the significance of the heritage assets due to their location and the lack of inter-visibility between them."* (A copy of the response is included at **Appendix 7**).
- 9.12 In summary, the conclusions arising from the Heritage Addendum reflect those accepted through the outline planning permission that no harm arises to any of the designated assets as a result of the proposals. As such, the proposals accord with the above policies of the Development Plan.

Ecology

- 9.13 The Framework, at paragraph 179, discusses the requirement for development to protect and enhance biodiversity, particularly with regard to priority habitats. Similarly, Local Plan policy ENV DM5: Development and biodiversity focusses on the requirement for development to incorporate features that support biodiversity and minimise impacts on existing habitats. The policy further emphasises the importance of creating links between habitats and open spaces within the scheme.
- 9.14 In line with the requirement of policy ENV DM5, a Phase 1 Site Walkover Report and Phase 2 Survey Report has been prepared which including detailed ecological surveys of the site alongside a series of recommendation to support mitigation and enhancement measures. These recommendations have supported the Ecological Mitigation and Enhancement Strategy that has also accompanied this submission.
- 9.15 The Part 2 Survey Report has undertaken the requisite surveys of the existing buildings that are currently on site and the existing habitats on-site. The reports have considered the previous ecology surveys undertaken to support the outline planning permission albeit updated to reflect the hybrid proposals on the site.
- 9.16 The Survey Report undertook the following surveys in relation to the site:
- Great Crested Newts – The surveys concluded that that proposed development will have a negligible impact on GCN;

- Hazel Dormouse – Dormouse are present on the site predominantly along the northern and eastern boundaries of the site. Whilst the removal of areas of scrub will be required to facilitate the proposed development, suitable mitigation will be provided including planting of native woodland, scrub, native shrubs and trees within 5m green buffers along the northern, western and southern boundaries of the site, alongside consideration given to the proposed lighting scheme for the development. An application for a European Protected Species Licence will be required prior to the commencement of development.
- Bat Emergence/ Re-entry Surveys – Whilst there is potential for bats on-site, additional surveys will be undertaken prior to the demolition of the existing buildings on-site. Appropriate mitigation will be included within the proposed development including ensuring an appropriate lighting scheme is proposed as part of the development.
- Badgers – No evidence of badgers was found on the site albeit pre-cautionary measures will be proposed to ensure no badgers are harmed through the construction of the development given there is a badger sett present (see Section 5.5 of the Phase 2 report).
- Reptiles – Whilst a small population of reptiles has been identified on-site, appropriate mitigation is proposed. A series of recommendations are included at Section 5.2 of the Phase 2 report.
- Breeding Birds – The existing hedgerows and mixed scrub on-site have the potential to support breeding birds and therefore appropriate provision will be made to deliver appropriate habitats within the proposed development.

9.17 The enhancement measures outlined within Phase 2 of the Report for the species identified above are as follows:

- The installation of three invertebrate boxes, give wood log piles and one hibernaculum;
- 20 wooden dormouse nest boxes within existing hedgerows including within the border of woodland to the north of the site, with a 5m buffer of new habitat
- 1:1 replacement of roosting space with 10 habitat bat bricks of schwegler bat tubes will be incorporated into the proposed building and 10 boxes on retained trees alongside native planting within the landscape scheme.
- Provision of 20 bird boxes on mature trees and into buildings of the proposed development.
- 5 hedgehog boxes will be placed at the base of the retained hedgerows within the 5m new habitat buffer along the northern boundary

9.18 The Ecological Mitigation and Enhancement Strategy provides further details of the measures outlined above. The habitat creation on-site will be focussed upon the following:

- Retained 5m buffer strip along the northern, western and southern boundaries of the site
- Additional of circa 0.4ha woodland belt planting and thicket planting.
- A 0.2ha of wildflower mix around the SuDS
- The retention of 1369m of hedgerows will be retained, with the re-provision of 250m of hedgerow which will include native rich species

9.19 The proposed development will require the removal of 335m of hedgerows, with the re-provision of 250m of hedgerow around the open space located along the southern boundary of the site. In addition, whilst there will be a loss of 0.4ha of scrub, 0.2ha of tall ruderal vegetation and 1.8ha of grassland, this will be mitigated through new planting including 0.2ha of native wildflower meadow, 0.4ha of new native thicket and woodland planting.

9.20 It is considered that the above proposals will ensure that sufficient mitigation, compensation and enhancement measures are included within the scheme to ensure that any loss of habitats will be mitigated by replacement planting and management of new habitats that will maximise the potential to support potential species. The proposal accords with the Framework and relevant adopted Local Plan policies.

Arboriculture

9.21 Paragraph 131 of the Framework acknowledges that trees make an important contribution to the character and quality of urban environments and that they can also help mitigate and adapt to climate change. Paragraph 174 states that planning decisions should contribute to and enhance the natural and local environment by *“recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.”*

9.22 Policy ENV DM4 (Protection of trees) states that development will be permitted where it can be demonstrated that trees protected by a TPO will not be damaged or destroyed as they reach maturity unless development:

“a) Would result in the removal of one or more trees in the interests of good arboricultural practice. This shall be demonstrated by the developer following the advice of a suitably qualified person which shall be guided by BS 5837 (2012). Details of any advice received having regard to BS 5837 (2012) shall be submitted, in writing, as part of a planning application; or

b) Would enhance the survival and growth prospects of other protected trees;

c) The benefits of the proposed development in a particular location outweigh the loss of trees or woodland, especially ancient woodland."

- 9.23 In accordance with the requirements of policy ENV DM4, this application is supported by the following documents:
- A tree survey across the site;
 - Arboricultural Impact Assessment; and
 - Tree Protection and Removal Plan.
- 9.24 From the tree survey, a total of 20 individual trees, 13 tree groups, 2 hedges and 2 woodland were recorded. The majority of trees are located beyond the application site boundary. The most significant features are along the northern boundary which comprises mature woodland. In addition, there are two TPO trees along the western boundary in the form as two individual oak trees.
- 9.25 The assessment demonstrates that the proposed development will only require the removal of low quality trees and shrubbery which are all classified as Category C vegetation. A number of trees will also require minor crown lifting works on trees that are located along the northern boundary but outside the site boundary.
- 9.26 The policy also states *"Proper provision must be made for the protection and management of trees or areas of woodland on-site when undertaking development. A management plan shall be provided as part of a planning application in accordance with BS 5837 (2012) in order to ensure that trees are adequately protected during development and appropriately maintained in the future. Conditions for the continued protection of trees on sites shall be included in any planning permission given."*
- 9.27 In accordance with the above statement, the supporting assessment also proposes tree protection fencing which will be included to form a Construction Exclusion Zone around all vegetation. The tree protection fence will be erected prior to any works commencing on site (including site clearance and enabling works) and shall remain in place until after all construction activities have been completed and then only with the prior approval of the Arboricultural consultant. In addition, the report sets that W1 and G10 require minor crown lifting works to offer 4.0m headroom to provide construction space. These works will seek to retain a natural form to the trees and will be completed in accordance with recognised standards (B3998:2010).
- 9.28 The report concludes that subject to the satisfactory implementation of the recommendations contained within report, it is considered that the proposed scheme has minimal impacts on trees and woodlands and is therefore in compliance with policy ENV DM4.

Infrastructure

Transport and Highways

- 9.29 The Framework sets out at paragraph 110 sets out the key transport considerations that should be taken into account when determining planning application including

appropriate opportunities to promote sustainable transport, delivering safe and suitable access into the site alongside incorporate appropriate parking layouts into proposed developments.

- 9.30 Furthermore, paragraph 111 that *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*
- 9.31 In response to this guidance, Policy TSP1 (Transport and Development) of the Local Plan says that *“to ensure that growth in the District strengthens Arun’s economic base, reduces congestion, works to tackle climate change and promotes healthy lifestyles; the Council will ensure that development: provides safe access on to the highway network; contributes to highway improvements and promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network”*.
- 9.32 Neighbourhood Plan Policy TM1 (Local Highways) further reiterates that proposals for new development shall demonstrate that adequate and satisfactory provision has been made to mitigate the impact of traffic generated both during construction and on completion.
- 9.33 As part of this submission a Transport Statement has been prepared by JNP to demonstrate how the proposed development accords with the requirements of Policy TSP1. Section 2 of the Statement provides a comprehensive overview of the planning policy and guidance that is relevant to the proposals.

Highways Impact

- 9.34 Section 5 of the Transport Statement sets out the trip generation associated with the proposed development. We would note that the highways impact for a similar quantum of development has already been accepted through the outline planning permission on the site.
- 9.35 The Transport Statement sets out a detailed assessment of the potential highways impact arising from the proposals at Section 6, with specific consideration given to specific road junctions within the vicinity of the site.
- 9.36 Overall, the capacity assessments have demonstrated that the local highway network will continue to operate in a similar manner to the base situation. It is considered that the proposed development will have a minimal impact on the local network and will not give rise to any highways or transportation issues. The proposals will not generate unacceptable impacts on highways safety or capacity as noted under paragraph 111 of the Framework.

Site Access Arrangements

- 9.37 The proposed development incorporates the provision of two separate access points from Arundel Road, which are being identified as the primary and secondary accesses.
- 9.38 The primary access serves the residential element and is located towards the north-east corner of the site. This access takes the form of a simple priority junction, with a carriageway width of 5.5m and a kerb radii of 6m, with appropriate visibility splays

achievable. A footway will be provided to the north and south sides of the access, tying into the existing footway provision along Arundel Road. The access details are shown on drawing C86473-JNP-90-XX-DR-C-2501.

- 9.39 The secondary access is proposed to serve the commercial land and will in effect be an upgrade to the existing access which serves the existing commercial provision on-site. The upgraded access incorporates a 5.5m carriageway with a footway linking into the existing footway provision with appropriate visibility splays. The access details are shown on drawing C86473-JNP-77-XX-SK-7007.
- 9.40 The two proposed access arrangements have been previously accepted through the outline planning application (A/122/19/OUT) and a subsequent Section 73 (A/207/21/PL) that was approved in September 2021. The proposals reflect this position and have previously been demonstrated to accord with the requirements of the Development Plan with regard to delivering a safe access to serve the proposed development.
- 9.41 In addition, the Transport Statement incorporates a number of swept path analysis with regard to refuse and fire tender tracking which demonstrates that the internal road network is sufficient to meet the requirements.

Car Parking and Cycle provision

- 9.42 With regard to car parking and cycle provision, policy TSP1 requires that appropriate levels of parking come forward in line with West Sussex County Council and the Arun Design Guide.
- 9.43 The cycle parking for the development has been considered in light of WSCC Guidance on Parking at New Developments (2020) alongside the Arun District Council Parking Standards SPD (2020). However, there are discrepancies between the parking requirements of both documents, with the SPD requiring an additional 64 parking spaces above the WSCC guidance.
- 9.44 In order to comply with the parking requirements set out with the above documents, the Transport Statement demonstrates that the parking provision for the residential element as follows:

Tenure	Total Parking Spaces (incl. compliant garages)	Arun Parking SPD Total Parking Demand
1 bed	16	16
2 bed	74	74
3 bed	105.5	92
4 bed	154.5	207 (4 Bedroom +)
5 bed	24	
Visitor Spaces	34	32
TOTAL	408	421

- 9.45 Whilst the provision above is below that identified within the SPD, it is considered that the level of parking is appropriate to serve the proposed development. In addition, the scheme does include a number of garages that fall below the required design standard albeit these are not considered within the calculations above.
- 9.46 With regard to the commercial element, this is only to be considered in outline form. The parking provision will be secured through a future reserved matters application.
- 9.47 On the matter of cycle parking, the provisions set out with the Parking SPD can be achieved through the residential element of the scheme. Cycle parking is either proposed within the curtilage of each dwelling (i.e. a garage) or alternatively through a covered storage area. Where storage is at the rear of the dwellings, appropriate access is provided.
- 9.48 The cycle parking provision for the commercial land will be secured at reserved matters stage.

Pedestrian and Cycle Accessibility

- 9.49 Paragraph 105 of the Framework focuses upon delivering new development in locations that are or can be made sustainable and through offering a genuine choice of transport modes. This approach is reflected with Local Plan policy TSP1, with policy TDM1 (Sustainable Travel and Public Rights of Way) focussing on ensuring accessibility to the cycle network and existing public rights of way alongside creating safe and attractive pedestrian routes through proposed development.
- 9.50 In addition, Neighbourhood Policy TM2 (Cycling, Walking & Equestrian) seeks to increase or improve the cycleways, footpaths and footpaths within the Neighbourhood Plan area. An Assessment was undertaken to support the outline planning permission on-site and has been reflected in the Transport Statement supporting this submission.
- 9.51 The Transport Statement further outlines the proximity of the site to a wide range of local facilities, amenities and services at Table 3.1 which demonstrates the sustainability of the site. In addition, the site is close to a number of bus stops that provide regular services between Arundel and Shoreham on Sea, alongside Angmering train station which is a 2.4km walk from the site.
- 9.52 In addition, the proposed development incorporates the following provision to optimise opportunities for acceptability:
- The proposed layout incorporates opportunities to connect with the Public Right of Way to the west of the site;
 - The access proposals incorporate footways onto Arundel Road and access to the cycle routes into Angmering;
 - Off-site highways works to deliver a pedestrian crossing across Arundel Road to St Margaret's C of E primary school. This was also approved under A/122/19/OUT;

- A Travel Plan has been provided to demonstrate a range of objectives that will aim to reduce reliance on private car arising from the development.

9.53 It should also be noted that under the outline permission, the Committee Report concluded that the site is sustainably located by stating:

“The site is environmentally sustainable as it lies on the northern edge of Angmering and it will be possible for residents to use non-car means of transport to access schools, shops and other services. Pedestrians would have the benefit of a street lit pavement on Arundel Road to access services to the south of the application site in the village centre.”

9.54 In light of the above, it is considered the proposed development accords with the relevant policies of the Development Plan in this regard.

Provisions for Refuse Collection

9.55 Policy WM DM1 (Waste Management) states that new residential development will be permitted provide that it is designed to ensure that kerbside collection is possible for municipal waste vehicles and where appropriate communal recycling bins and safe bin storage areas are available to residents of flats.

9.56 In order to comply with this policy and as set out in the supporting Transport Statement, a swept path analysis for the internal site layout has been prepared for a refuse vehicle.

9.57 Refuse vehicle tracking has been carried out for a 9.620m Phoenix 2-18W (Elite 2 6x2RS chassis) refuse vehicle. In accordance with the Building Regulations Approved Document H (2010), the refuse vehicle tracking has been assessed with a maximum residents carry distance of 30m and operatives carry distance of 15m.

Telecommunications Infrastructure

9.58 Policy TEL SP1 (Strategic Delivery of telecommunications infrastructure) requires all proposals for new residential and commercial development to be designed to be connected to high quality communications infrastructure to ensure that fibre optic or other cabling does not need to be retrofitted.

9.59 A Utilities Statement (prepared by Gladman) is submitted as part of this application. It should be noted this report was submitted as part of the approved outline scheme and was deemed acceptable. The report states that:

“BT records indicate there is existing overhead plant along Arundel Road and within the site boundary at New Farm Nursery and New Place Bungalow. It is anticipated that these will be decommissioned as part of the proposed development. The proposed new site could be fed by extending this existing infrastructure. Broadband connections are available within this area, but high-speed fibre connections are yet to be installed; however, BT Openreach are currently offering fibre to the premises for all developments greater than 30 plots.”

- 9.60 In compliance with policy TEL SP1, the report concludes that initial investigations did not highlight any concerns or engineering difficulties with servicing the proposed development with new gas, water, electric or telecommunication.

Environmental

Noise

- 9.61 Paragraph 185 of the Framework states that planning decisions should “*ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.*”
- 9.62 We note that Local Plan policy QE DM1 (Noise Pollution) requires proposals that involve noise generating development are supported by evidence to demonstrate that there are no suitable alternative locations for the development and a noise report to address any potential noise impacts. In order to comply with this policy, a noise report has been prepared and submitted to address the proposed commercial element of the scheme and concludes that noise levels in external amenity areas during the day are considered acceptable in planning terms and therefore comply with policy QE DM1.
- 9.63 To further accord with the policy, the report suggests mitigation in order to address any potential noise impacts. This includes the following suggested glazing configurations, if installed properly, would be capable of achieving the required sound reduction performance, alongside a 2m closed board fence between the residential and commercial elements of the scheme.

Lighting

- 9.64 Local Plan policy QE DM2 (Light Pollution) requires proposals that include outdoor lighting to be accompanied by a lighting scheme prepared according to latest national design guidance and relevant British Standards publications.
- 9.65 Whilst no specific document has been submitted at this stage, it is considered that the relevant details could be secured through an appropriately worded planning condition on any future planning permission which would demonstrate compliance with the above policy.

Flooding

- 9.66 The Framework requires at paragraph 167 “*When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment.*” Footnote 55 states that “*A site-specific flood risk assessment should be provided for all development in Flood Zones 2 and 3. In Flood Zone 1, an assessment should accompany all proposals involving: sites of 1 hectare or more.*”
- 9.67 Given the site is over 1ha albeit within in Flood Zone 1, a Flood Risk Assessment has been prepared by JNP and supports this application. The Assessment identifies that overall there is a low flood risk on site as follows:
- No risk to coastal flooding;

- The site is within Flood Zone 1 one for the purpose of fluvial flood risk, thus the lowest probability of flooding;
- There is a very low risk of surface water flooding, with only small discrete areas along the western boundary at high risk which can be appropriately mitigated through the drainage strategy for the site;
- The site has a low risk of groundwater flooding.

9.68 Overall, the assessment concludes that the risk from all flood sources is low and the proposed development will not increase flood risk off-site.

Drainage

9.69 We note that the adopted Local Plan at Policy W DM3 (Sustainable Urban Drainage Systems) requires all development to identify opportunities to incorporate a range of Sustainable Urban Drainage Systems (SUDS), appropriate to the size of development. Additionally the policy requires major developments to integrate SUDS within public open spaces and roads, reflecting discussion with the appropriate bodies.

9.70 As part of this proposals, due to infiltration drainage being deemed unsuitable on-site, SUDS is proposed with the drainage basin identified to the north-west of the site due to the topography which aligns with the lowest point of the site.

Contaminated Land

9.71 Policy QE DM4 (Contaminated Land) states that the Council promotes and will permit the use of previously developed land to ensure that land is brought back into use subject to requirements.

9.72 In support of this application a Phase 2 Geo-environmental and Geo-technical Investigation has been undertaken with particular consideration given to the previously developed commercial area within the application site. The report provides a series of recommendations in light of the investigations that have been undertaken. A number of recommendations have been made in Section 9 of the report which can be secured by appropriately worded planning conditions on any future planning permission.

9.73 We note the recent outline planning permission, considered the potential for contaminated land on site, and in that instance the Environmental Officer concluded that conditions would be appropriate in this instance.

Health & Wellbeing

9.74 Paragraph 92 of the Framework states that decisions should aim to achieve healthy, inclusive and safe places which *“enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.”*

9.75 Policy HWB SP1 (Health & Wellbeing) states that all new development shall be designed to maximise the impact it can make to promoting healthy communities and reducing health inequalities.

- 9.76 In order to comply with this policy and encourage healthy living, the scheme provides a number of pedestrian walking routes throughout the site and also connects across Arundel road providing access into Arundel on foot. The site also provides good access to public transport links and leisure facilities. A Travel Plan also supports this submission.
- 9.77 It is considered that the proposed development will accord with the requirements of Policy HWB SP1.

10. Planning Obligations

- 10.1 With regard to securing planning obligations, Policy INF SP1 (Infrastructure provision and implementation) requires that appropriate provision is made towards the infrastructure requirements arising from proposed development.
- 10.2 There is a requirement either for infrastructure provision to be provided on-site or where possible through:
- Off-site site specific measures through legal obligations secured through Section 106 agreements subject to satisfying the requirements of Regulation 122 of the Community Infrastructure Regulations 2010 (as amended); or
 - Through CIL contribution.
- 10.3 This planning application is supported by a CIL form, with the residential element of the scheme CIL liable and therefore appropriate financial contributions would be made prior to commencement of any approved development.
- 10.4 The Applicant has not presented a draft S106 Agreement or Heads of Terms because at this stage in the planning process, the range of obligations which are likely to be sought has not yet been identified.
- 10.5 The Applicant reserves the opportunity to review the requests for contributions made by ADC, and if necessary to submit evidence in response, or evidence of viability should it be necessary to do so.
- 10.6 It is expected that the Applicant and ADCC will engage with in order to draft conditions to be applied in the event that permission is granted.

11. Presumption in Favour of Sustainable Development

- 11.1 In light of paragraph 11(d)(i) of the Framework, the following table provides an overview of the economic, social and environmental benefits arising from the development.
- 11.2 ADC has accepted that the principle of residential and commercial development on the site is acceptable balanced against any level of harm that was identified through the extant planning permission. That said, for completeness, we provide a review of this position below:

Dimension of Sustainable Development	Scheme Provision
Economic	An increase in Council Tax receipts; Potential 'New Homes Bonus' payments from the Government; The creation/maintenance of construction jobs; Additional spending by new residents on local goods & services; and Support the local economy by providing jobs in the Employment/Commercial Centre which would provide 1,393 square metres of floor space.
Social	If approved, the development would be required to contribute towards local schools, libraries, and the local health service and to contribute to a new cycle route. This would be secured through CIL and Section 106 contributions. As such, there would be a benefit to the local community. The proposal could help to support the local community by providing 160 dwellings, including 30% affordable housing through 48 affordable units (75% social rent: 25% intermediate) across a range of house sizes. The scheme has been designed to enhance the health and wellbeing of residents by encouraging walking and cycling both for commuting and leisure purposes, providing areas of high quality open space, orientating homes towards open spaces, creating comfortable and adaptable living environments and good quality private amenity space. The proposals will create a high quality built environment that is located close to local services including rail and bus connections to a wider range of services and facilities.

Dimension of Sustainable Development	Scheme Provision
Environmental	Possible for residents to use non-car means of transport to access schools, shops and other services. Pedestrians would have the benefit of a street lit pavement on Arundel Road to access services to the south of the application site in the village centre. Open space provision with the scheme including a LEAP and LAP The ecological mitigation and enhancements strategy includes a series of recommendations to support habitat retention and creation across the site.

12. Conclusions

- 12.1 The submission of this hybrid planning application is made on behalf of Redrow Homes for the construction of 160 homes and up to 1393 sqm of commercial (Class E) floorspace, with associated vehicular and pedestrian accesses, open space and infrastructure.
- 12.2 The application site currently benefits from an extant planning permission for a similar quantum of development to that proposed under this hybrid planning application and is a material consideration in the determination of this planning application.
- 12.3 This submission demonstrates that site is within a sustainable location and within close proximity to a range of local facilities with good access to public transport options as an alternative to the private car. It further identifies the social, economic and environmental benefits arising from the scheme, including the delivery of much needed market and affordable homes.
- 12.4 The design of the scheme has been informed by adopted Local Plan policies and the Arun Design Guide, with a high quality development proposed that embraces the opportunities and constraints on the site and responds well to the prevailing character of the area.
- 12.5 This statement has sought to demonstrate why the presumption in favour of sustainable development and the tilted balance, as set out within the Framework, should be applied in the determination of this application in light of the ADC's Housing Deliver Test position and the absence of a five year housing land supply.
- 12.6 This application has been supported by a series of technical documents that seek to demonstrate that there are no adverse impacts arising from the proposed development that would significant and demonstrably outweigh the benefits in line with the requirements of the Framework.
- 12.7 There is no reasons why the development could not be delivered or substantially progressed to support its delivery within the next five year from the granting of planning permission, which will contribute towards ADC's five year supply position.
- 12.8 It is concluded that the application should be approved on the grounds that the site clearly demonstrates that the site is within a sustainable location and can deliver an appropriate scale and mix of housing to meet local needs to assist the Council in delivering and maintaining a five year supply positioning and directing development to the most sustainable locations.

Appendix 1: Application Documents and Drawings

Documents submitted under this Hybrid submission

Application Form and ownership certificates

Application Fee

CIL Form

Covering Letter (prepared by Turley)

Planning Statement (prepared by Turley)

Application Plans (please see table below for plans)

Design & Access Statement (prepared by OSP) – Dated December 2021

Phase 2 Geo-environmental and Geo-technical Site Investigation (prepared by RSK) dated 2019

Landscape Plans (prepared by RPS):

- Landscape Strategy (ref. 100 Rev C)
- Planting Plan Public Open Space (ref. 500)
- Planting Plan 1 of 6 (ref. 500)
- Planting Plan 2 of 6 (ref. 502)
- Planting Plan 3 of 6 (ref. 503)
- Planting Plan 4 of 6 (ref. 504)
- Planting Plan 5 of 6 (ref. 505)
- Planting Plan 6 of 6 (ref. 506)
- Tree and Shrub Palette

Tree Survey & Arboricultural Implications Appraisal (prepared by RPS).

Tree Removal and Protection Plan (prepared by RPS)

Transport Statement (prepared by JNP)

Travel Plan (prepared by JNP)

Access Plans:

Primary Site Access (ref. C86473-JNP-66-XX-SK-T-7002-P01)

Commercial Access (ref. C86473-JNP-66-XX-SK-T-7007-P02)

Documents submitted under this Hybrid submission

Phase 1 Ecological Site Walkover (prepared by RPS)

Phase 2 Surveys Report (prepared by RPS)

Ecological Mitigation and Enhancement Strategy (prepared by RPS)

Flood Risk Assessment (prepared by JNP)

Heritage Assessment (dated 2019) prepared by Pegasus and supporting Heritage note (prepared by Pegasus) inc. archaeology

Noise Impact Assessment (prepared by 24 Acoustics)

Plan	Reference
Coloured Site Layout	20232 / C101A
Street Elevations AA & BB	20232 / C102
Street Elevations CC	20232 / C103
Street Elevations DD & EE	20232 / C104
Street Elevations FF	20232 / C105
Proposed Site Layout	20232 / P101C
Building Materials Layout	20232 / P102B
Boundary Materials Layout	20232 / P103A
Surface Materials Layout	20232 / P104A
Affordable Housing Layout	20232 / P105A
Refuse Strategy Layout	20232 / P106A
Proposed Car Parking Plan	20232 / P107A
Land Use Layout	20232 / P108A
Amberley - Plans & Elevations	20232 / P109
Amberley - Plans & Elevations	20232 / P110
Hampstead - Floor Plans	20232 / P111
Hampstead - Elevations	20232 / P112
Hampstead – Elevations	20232 / P113

Plan	Reference
Harrogate - Plans and Elevations BRICK	20232 / P115
Harrogate – Elevations RENDER	20232 / P116
Henley - Floor Plans	20232 / P117
Henley – Elevations BRICK	20232 / P118
Leamington Lifestyle - Plans & Elevations BRICK	20232 / P119
Ledsham - Floor Plans	20232 / P120
Ledsham - Elevations	20232 / P121
Letchworth - Floor Plans	20232 / P122
Letchworth – Elevations BRICK	20232 / P123
Letchworth – Elevations RENDER	20232 / P124
Marlow - Plans & Elevations RENDER	20232 / P126
Oxford Lifestyle - Plans & Elevations	20232 / P127
Oxford Lifestyle - Plans & Elevations	20232 / P128
Richmond - Floor Plans	20232 / P129
Richmond - Elevations	20232 / P130
Richmond - Elevations	20232 / P131
Shaftesbury - Plans & Elevations	20232 / P133
Stratford - Plans & Elevations BRICK	20232 / P134
Warwick - Plans & Elevations BRICK Type 1	20232 / P135
Warwick - Plans & Elevations BRICK Type 2	20232 / P136
Warwick - Plans & Elevations RENDER	20232 / P137
Windsor - Plans & Elevations BRICK	20232 / P138
Brue - Floor Plans	20232 / P139
Brue – Elevations	20232 / P140
Dart Three Block - Floor Plans	20232 / P141

Plan	Reference
Dart Three Block - Elevations	20232 / P142
Dart Four Block - Floor Plans	20232 / P143
Dart Four Block - Elevations	20232 / P144
Tavy - Floor Plans and Elevations	20232 / P145
Leadon & Tavy - Floor Plans - Plots 44-47 & 69-72	20232 / P146
Leadon & Tavy – Elevations - Plots 44-47 & 69-72	20232 / P147
Leadon & Tavy - Ground Floor Plans - Plots 73-78	20232 / P148
Leadon & Tavy - First Floor Plans - Plots 73-78	20232 / P149
Leadon & Tavy - Front & Rear Elevations - Plots 73-78	20232 / P150
Leadon & Tavy - Side Elevations - Plots 73-78	20232 / P151
Leadon & Tavy - Ground Floor Plans – Plots 97-101	20232 / P152
Leadon & Tavy - First Floor Plans – Plots 97-101	20232 / P153
Leadon & Tavy – Elevations – Plots 97-101	20232 / P154
Tweed - Floor Plans	20232 / P155
Tweed – Elevations	20232 / P156
Single Garage - Plans & Elevations	20232 / P157
Twin Garage - Plans & Elevations	20232 / P158
Site Location Plan	20232 / S101

Appendix 2: Decision Notice: A/122/19/OUT

Application for Outline Consent

DECISION NOTICE

Application Ref: A/122/19/OUT

1 To Addressee

Gladman Developments Limited
Gladman House
Alexandria Way
Congleton Business Park
Congleton
CW12 1LB

2 Site Address

Land off Arundel Road
Angmering
BN16 4ET

3 Description of Development

Outline application with some matters reserved for the erection of up to 160 dwellings with public open space, landscaping and sustainable drainage systems (SuDs), vehicular access point from Arundel Road; together with up to 1,393 square metres (15,000 square feet) of B1/B2 units with associated parking provision and vehicular access point from Arundel Road and land made available for expansion of current sports pitch provision (following the demolition of existing commercial units and one bungalow) (re-submission following A/36/18/OUT). This application is a Departure from the Development Plan.

4 In pursuance of their powers under this Act and related Orders and Regulations the Council **PERMIT** this development to be carried out in accordance with the application and plans and subject to compliance with the following conditions and Section 106 Agreement.

- 1 Details of the appearance, landscaping, layout and scale (hereinafter called 'the reserved matters') shall be submitted to and be approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

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 shall be made to the Local Planning Authority not later than three 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 before the expiration of 5 years from the date of this permission, or before the expiration of 2 years from the date of the 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 The planning permission relates to the following approved plans:

Drawing Number CSA/3467/108 - Site Location Plan

Drawing Number 2020-F01 Rev. D - Proposed Access Arrangement

Drawing Number 2020-F03 Rev. B - Proposed Secondary Access Arrangement

Drawing Number 2020-F05 Rev. A - Proposed Controlled Crossing

Ecological Mitigation and Enhancement Strategy prepared by CSA Environmental (Ref. CSA/3467/09), dated July 2019.

Reason: For the avoidance of doubt and the interests of amenity and the environment in accordance with Policy D DM1 of the Arun Local Plan.

- 5 Prior to the submission of any reserved matters application a design code masterplan shall be submitted to, and be approved in writing, by the Local Planning Authority.

The design code masterplan will provide further details on matters such as character areas, street hierarchy, building typologies, key buildings, the approach to car parking, structural planting, street furniture, lighting and treatment of the public realm. The development shall be carried out in accordance with the approved design code.

Reason: To enable the Local Planning Authority to control the development in details in the interests of amenity by endeavouring to achieve buildings of visual quality in accordance with Policy D DM1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because the design of the scheme goes to the heart of the planning permission.

- 6 The landscaping and layout particulars to be submitted in accordance with Condition 1 shall include details of the landscape treatment along the northern boundary of the site with Steyne Wood, including measures to deter unauthorised access by motor cycles and motor vehicles to the Wood; and details of the footpath links from the application site into the Sports Hub in accordance with the Development Framework Plan.

Reason: In the interests of amenity and of the environment of the development in accordance with Policy D DM1 of the Arun Local Plan.

- 7 All planting, seeding or turfing comprised in the approved details shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of amenity and of the environment of the development in accordance with Policy D DM1 of the Arun Local Plan.

- 8 Prior to the commencement, including any works of demolition, a Construction Management Plan shall be submitted for approval in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following

matters:

- The anticipated number, frequency, routing and types of vehicles used during construction,
- The method of access and routing of vehicles during construction,
- Full details of the construction compound,
- Soil resources plan,
- Dust mitigation measures,
- Noise reduction measures,
- The parking of vehicles by site operatives and visitors,
- The loading and unloading of plant, materials and waste,
- The storage of plant and materials used in construction of the development,
- The erection and maintenance of security hoarding,
- The provision of effective wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- Details of public engagement both prior to and during construction works.

Reason: For the avoidance of doubt and in the interests of amenity, the environment and highway safety, in accordance with Policy D DM1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because of the need to ensure measures are in place to mitigate the impact of construction works and deliveries on neighbouring residential amenity.

- 9 The hours of operation for the construction works, including deliveries to / from the site, to be limited to 08:00 hours and 18:00 hours on Mondays to Fridays inclusive; 08:00 hours and 13:00 hours on Saturdays; not at any time on Sundays or Bank Holidays except without the express authority of the Local Planning Authority.

Reason: In order to safeguard the amenity of neighbouring residents and highway safety, in accordance with Policy D DM1 of the Arun Local Plan.

- 10 No plant or machinery shall be operated, no process carried out and no deliveries taken or despatched from the Employment/Commercial Centre except between the hours of 07:00 and 18:00 hours on Monday to Fridays inclusive; 08:00 and 13:00 hours on Saturday; not at any time on Sundays or Public or Bank Holidays

Reason: In the interest of neighbouring residential amenity, in accordance with Policy D DM1 of the Arun Local Plan.

- 11 No dwelling and the Employment/Commercial Centre shall be occupied until refuse and recycling bins have been provided and space has been laid out for their storage in relation to that dwelling in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter these areas shall not be used for any purpose other than the storage of refuse and recycling bins.

Reason: In the interests of the amenity of occupiers of nearby properties in accordance with Policy D DM1 and Policy WM DM1 of the Arun Local Plan.

- 12 Prior to the occupation of 80 dwellings on this site, the improvement works at the A280/A27/Titnore Lane Roundabout junction shall be completed and open to the traveling public as shown on I-Transport's drawing number "ITB9105-GA-024 Proposed Improvement Scheme to A280/A27/Titnore Lane Roundabout" (or such other scheme of works substantially to the same effect, as may be approved in writing by the Local Planning Authority in consultation with Highways England), including any necessary transfer of lands to enable the construction and maintenance of the scheme.

Reason: The modifications have been proposed to provide sufficient capacity at the A280/A27/Titnore Lane Junction, This is to ensure that the A27 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with Section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety, in accordance with Policy T SP1 of the Arun Local Plan.

- 13 Prior to the occupation of 80 dwellings on this site, the proposed improvements to the existing pedestrian crossing points on the A27 shall be completed and open to the travelling public as shown on Croft's drawing number "2020-06 - Proposed Improvements to existing pedestrian crossing points on A27" (or such other scheme of works substantially to the same effect, as may be approved in writing by the Local Planning Authority in consultation with Highways England), including any necessary transfer of lands to enable the construction and maintenance of the scheme.

Reason: To ensure that the A27 continues to be an effective part of the national system of routes for through traffic in accordance with Section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety, in accordance with Policy T SP1 of the Arun Local Plan.

- 14 Prior to the occupation of the first dwelling on this site, details of the pedestrian links to the boundary of the site with the Palmer Road Recreation Ground should be submitted to and be approved in writing by the Local Planning Authority. The approved pedestrian links to the Palmer Road Recreation Ground should be retained thereafter.

Reason: To provide alternative travel options to the use of the car in accordance with Policy D DM1, Policy T SP1 and Policy T DM1 of the Arun Local Plan.

- 15 No more than 80 dwellings shall be occupied until such time that the controlled crossing on Arundel Road, hereby approved, is implemented in accordance with drawing titled proposed controlled crossing (Drawing No. 2020-F05 Rev. A).

Reason: To provide alternative travel options to the use of the car in accordance with Policy D DM1, Policy T SP1 and Policy T DM1 of the Arun Local Plan.

- 16 No part of the residential development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on Drawing No. 2020-F01 Rev. D: Proposed Access Arrangement.

No part of the Employment/Commercial Centre shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on Drawing No. 2020-F03 Rev. B: Proposed Secondary Access Arrangement.

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

- 17 No part of the development shall be first occupied until a detailed Travel Plan, which will cover both the residential and employment uses, has been submitted to and been 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 of Transport or as advised by the Local Highway Authority.

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

- 18 No dwelling shall be occupied until space for that dwelling has been laid out for the parking of cars, motorcycles and cycles in relation to that dwelling in accordance with a drawing and schedule to be submitted to and be approved in writing by the Local Planning Authority. These

areas shall thereafter not be used for any purpose other than the parking of cars, motorcycles and cycles.

Reason: In the interests of road safety and to accord with approved policy in accordance with Policy D DM1 of the Arun Local Plan.

- 19 Garages provided on the site shall measure a minimum of 6 metres x 3 metres internally.

Reason: To ensure that adequate and satisfactory provision is made for the parking (and garaging) of vehicles clear of all highways in accordance with Policy D DM1 of the Arun Local Plan.

- 20 No development shall commence until a scheme for the location and installation of fire hydrants has been submitted to and approved in writing by the Local Planning Authority. For the purposes of this condition the scheme shall be in accordance with the Guidance Note: The Provision of Fire Hydrants and an Adequate Water Supply for Fire Fighting as published by West Sussex Fire and Rescue Services (as amended from time to time). No building hereby permitted shall be occupied until the fire hydrant(s) required to serve that building have been installed in accordance with the approved scheme.

Reason: In order to provide adequate infrastructure for emergency services, in accordance with Policy D DM1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because of the need to ensure the safety of residents on the site.

- 21 At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low carbon energy sources (as described in the glossary at Annex 2 of the National Planning Policy Framework). Prior to the commencement of development 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 development shall be implemented in accordance with the approved details and timetable and retained as operational thereafter.

Reason: In order to secure on site renewable energy in accordance with national planning policy, and in accordance with Policy ECC SP2 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because of the need to ensure the provision of decentralised and renewable or low carbon energy sources on the site.

- 22 Prior to the commencement of development, a strategy for the provision of the highest available headline speed of broadband provision to future occupants of the site shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall take into account the timetable for the delivery of 'superfast broadband' (defined as having a headline access speed of 24Mb or more) in the vicinity of the site (to the extent that such information is available). The strategy shall seek to ensure that upon occupation of a dwelling, the provision of the highest available headline speed of broadband service to that dwelling from a site-wide network is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway. Unless evidence is put forward and agreed in writing by the Local Planning Authority that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure, the development of the site shall be carried out in accordance with the approved strategy.

Reason: To safeguard the amenities of residents in accordance with Policy D DM1 and Policy TEL SP1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because the provision of broadband needs to be incorporated into the design for the site.

- 23 Prior to the commencement of construction and demolition works a Schedule of Works shall be

submitted to the Local Planning Authority for approval and will be based on the recommendations within the supporting Ecological Mitigation and Enhancement Strategy. All approved details shall then be implemented in full and in accordance with the agreed timings and details.

The Schedule of Works shall include but not be restricted to:

- Timings for clearance of trees or scrub to avoid impacts on breeding birds;
- Grassland areas managed to benefit reptiles;
- Details of compensatory and additional tree planting;
- Details of compensatory boundary habitat planting and wildflower meadow planting;
- Details and locations of bat, bird, dormouse and invertebrate boxes, and log piles provided on the site;
- Measures to minimise the disturbance of badgers including details of a 20 metre buffer to the badger sett;
- Post development habitat management and dormouse population monitoring will include maintaining hedgerows and planting for the foreseeable future.

Should the detailed layout of the site require the removal of further trees which have the potential to support bats, a climbed tree inspection survey will be required.

Reason: This condition is necessary to ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in line with national guidance and Policy ENV DM4, Policy ENV DM5 and Policy ENV SP1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because of the need to ensure measures are in place to protect wildlife and habitats on site prior to any disturbance.

- 24 Prior to the commencement of development, a scheme for the provision of facilities to enable the charging of electric vehicles to serve the dwellings and the employment premises shall be submitted to the Local Planning Authority for approval in writing and thereafter implemented in accordance with the approved details and the charge points shall thereafter be permanently retained and maintained in good working condition.

Reason: New petrol and diesel cars/vans will not be sold beyond 2040, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with Policy QE DM3 (c) of the Arun Local Plan, the Arun District Council Electric Vehicle Infrastructure Study (November 2017) and the National Planning Policy Framework. It is considered necessary for this to be a pre-commencement condition because of the need to ensure that the infrastructure for electric vehicle charging measures are in place in the residential development and in the industrial development.

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

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

- 26 Development shall not commence until full details of the maintenance and management of the surface water drainage system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include details of financial management and arrangements for the replacement of major components at the end of the manufacturer's recommended design life. Upon completed construction of the surface water drainage system, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.

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

- 27 Immediately following implementation of the approved surface water drainage system 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 details. The agreed scheme shall thereafter be maintained in perpetuity.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with Policy D DM1 and Policy W DM3 of the Arun Local Plan.

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

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

- 29 Prior to the commencement of construction works details of a proposed foul drainage system shall be submitted to and be approved in writing by the Local Planning Authority (including details of its siting, design and subsequent management / maintenance) and no dwelling shall be occupied until works for the disposal of sewage have been fully implemented in accordance with the approved details.

Occupation of the development is to be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate waste water network capacity is available to adequately drain the development.

Reason: To prevent pollution of water bodies and to ensure the satisfactory drainage of the site and to prevent flooding, in accordance with Policy W DM1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because the site drainage needs to be approved and implemented before the dwellings are occupied.

- 30 Prior to the commencement of development, details of the proposed external lighting for the

residential development and the Employment/Commercial Centre on the site shall be submitted and be approved in writing by the Local Planning Authority. The lighting details should include:

- a) Details of Zone E2 (Rural) lighting luminaires (lux levels);
- b) Mitigation measures to minimise potential glare and spillage;
- c) Location of lighting columns;
- d) Design and appearance of lighting columns;
- e) Timings of lighting (reduced coverage between 11.00pm and 7.00am); and
- f) Phasing for the implementation of the scheme.

The approved lighting system shall be implemented in accordance with approved details and be retained thereafter.

Reason: To reduce light pollution, in the interests of amenity and the environment and to satisfy minimum security requirements, in accordance with Policy D DM1 and Policy QE DM2 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because the light levels for the site need to be approved and implemented before the dwellings and the Employment/Commercial Centre are occupied.

- 31 No development shall commence until plans of the site showing details of the existing and proposed ground levels, proposed finished floor levels, levels of any paths, drives, garages and parking areas and the proposed completed height of the development and any retaining walls have been submitted to, and been approved in writing by, the Local Planning Authority. The details shall clearly identify the relationship of the proposed ground levels and proposed completed height with adjacent buildings. The development thereafter shall be carried out in accordance with the approved details.

Reason: To ensure that a satisfactory relationship results between the new development and adjacent buildings and public areas, in accordance with Policy D DM1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition as these details relate to the construction of the development and thus go to the heart of the planning permission.

- 32 Prior to the commencement of development, an Arboricultural Method Statement (AMS) and a Tree Protection Plan shall be submitted for approval in writing by the Local Planning Authority, to both describe and illustrate the mitigation measures which are to be employed to ensure that the trees survive without detriment to their vigour and vitality and are given adequate protection both above and below ground.

Reason: In the interests of amenity and of the environment of the development in accordance with Policy D DM1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because of the need to ensure that trees are protected during the construction of the development hereby approved.

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

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

- 34 At least ten percent (10%) of all dwellings shall be designed and constructed to M4(2) standard and in addition six (6) dwellings shall be designed and constructed to M4(3) wheelchair accessible standard in accordance with 'Access to and use of buildings: Approved Document M'.

Reason: To ensure that dwellings are adaptable and meet the diverse needs of future occupiers in accordance with Policy D DM1 of the Arun Local Plan and Paragraph 61 of the National Planning Policy Framework.

- 35 The employment uses on the Employment/Commercial Centre should be restricted to Use Class B1 and B2. No development within use Class B8 (storage and distribution) uses will be permitted on the site.

The employment uses on the Employment/Commercial Centre shall not exceed 12.0 metres in height to the top of the ridgeline/roofline.

Reason: To protect the environment and mitigate the visual impact of the Employment/Commercial Centre when viewed from the South Downs National Park, in accordance with Policy D DM1 and Policy EMP SP3 of the Arun Local Plan.

- 36 Prior to the occupation of the commercial buildings within the Employment/Commercial Centre, a CCTV strategy (to include details of the location cameras and type of system) shall be submitted to and be approved in writing by the Local Planning Authority. The agreed details shall be implemented prior to first occupation and be retained and maintained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of public safety in accordance with Policy D DM1 of the Arun Local Plan. It is considered necessary for this to be a pre-occupation condition because the site security needs to be approved and implemented before the commercial buildings within the Employment/Commercial Centre are occupied.

- 37 Prior to the commencement of development a further detailed Noise Assessment Report, shall be submitted to and be approved in writing by the Local Planning Authority. The further detailed Noise Assessment Report should demonstrate that the internal and external noise levels of the proposed dwellings will conform to the indoor ambient noise levels for dwellings and external noise levels for amenity spaces ie. gardens, as specified within BS8233:2014, Guidance on Sound Insulation and Noise Reduction for Buildings and Pro PG: 2017. The further detailed Noise Assessment Report should provide specific details of the mitigation measures to be installed on the Employment/Commercial Centre.

Prior to the occupation of the dwellings and the Employment/Commercial Centre any mitigation measures specified in the approved scheme shall be implemented in accordance with the approved details; and retained thereafter.

Post construction validation testing is to be carried out which demonstrates to the satisfaction of the Local Planning Authority that the requirements of the above British Standard, WHO and ProPG guidance and are achieved both in terms of LAeq and LAm_{ax}.

Reason: To protect the amenity of local residents in accordance with Policy QE DM1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition to ensure that the houses are constructed with the required noise mitigation measures.

- 38 Prior to commencement of the development hereby approved the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority:
1. A Preliminary Risk Assessment which has identified: all previous (historical) uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; and potentially unacceptable risks arising from contamination at the site.
 2. A Site Investigation Scheme, based on (1) above to provide information for a detailed

assessment of the risk to all receptors that may be affected, including those off site.

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

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

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

The scheme shall be implemented as approved above and, prior to commencement of any construction work (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a Verification Report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of that remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. The report shall also include a 'long-term monitoring and maintenance plan' for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification report, and for the reporting of this in writing to the Local Planning Authority.

Reason: To protect the amenity of local residents in accordance with Policy QE DM4 of the Arun Local Plan.

- 39 No development shall take place 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 Local Planning Authority.

Reason: The site is of archaeological significance in accordance with Policy D DM1 and Policy HER DM6 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because archaeology can only be investigated before construction commences.

- 40 Prior to the commencement of development hereby approved, a phasing plan identifying all phases of development shall be submitted to and be approved in writing by the Local Planning Authority. The phasing plan shall set out how all principal elements of the scheme will be phased. The phasing plan will allow for the completion of the new commercial buildings prior to the demolition of the existing commercial buildings on site. All phases of the development shall be completed and carried out in accordance with the phasing plan.

Reason: To enable the development to be phased so that the new commercial units are completed before the existing units are removed, in accordance with Policy EMP DM1(6) of the Local Plan.

- 41 The development hereby permitted shall be carried out in accordance with the soil handling measures and the proposed use of on-site soils as set out in the 'Soils and Agricultural Quality of Land off Arundel Road, Angmering' Report (Ref. 1671/1), prepared on 21st February 2020 by Land Research Associates.

Reason: To enable the Local Planning Authority to control the development and protect the soil resources on the site, in accordance with Policy SO DM1 of the Local Plan.

INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as

originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

INFORMATIVE: The Highways Act 1980 (as inserted via The Infrastructure Act 2015) requires those proposing works affecting the public highway to enter into an agreement with the Strategic Highway Authority (Highways England).

This development involves work to the public highway that can only be undertaken within the scope of a legal Agreement between the applicant and Highways England. Planning permission in itself does not permit these works.

It is the applicant's responsibility to ensure that before commencement of any works to the public highway, any necessary Agreements under the Highways Act 1980 are also obtained. Advice on this matter can be obtained from the Spatial Planning Team, Highways England, Bridge House, 1 Walnut Tree Close, Guildford, Surrey GU1 4LZ. Highways England switchboard Tel. 0300 470 1370. Email: planningse@highwaysengland.co.uk

INFORMATIVE: The applicant is advised to enter into a Section 59 Agreement under the Highways Act, 1980, to cover the increase in extraordinary traffic that would result from construction vehicles and to enable the recovery of costs of any potential damage that may result to the public highway as a direct consequence of the construction traffic. The applicant is advised to contact the Highway Officer (Tel. 01243 642105) in order to commence this process.

INFORMATIVE: The applicant is required to obtain all appropriate consents from West Sussex County Council, as Local Highway Authority, to cover the off-site highway works. the applicant is requested to contact the Implementation Team Leader (Tel. 01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

INFORMATIVE: The applicant is advised that the erection of temporary directional signage should be agreed with the Local Traffic Engineer prior to any signage being installed. The applicant should be aware that a charge will be applied for this service.

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

INFORMATIVE: The owner(s) of any commercial property (warehouses, offices, etc.) built before 2000 are legally obliged to hold a copy of an asbestos register for each property in their portfolio. As the commercial properties are demolished, the Council need to be satisfied that if any asbestos previously identified is still present, it is removed safely to minimise risk to human health as there is no safe threshold for asbestos exposure. A copy of the asbestos register, and any remedial strategy (where appropriate), must be provided in writing to the Local Planning Authority prior to any works commencing.



Neil Crowther
Group Head of Planning

Case Officer: Michael Eastham

Decision Issued: **17th March 2020**

Arun District Council
The Arun Civic Centre
Maltravers Road
Littlehampton
West Sussex BN17 5LF

IT IS IMPORTANT THAT YOU READ THE NOTES ATTACHED TO THIS DOCUMENT

APPEALS TO THE SECRETARY OF STATE

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, and you want to appeal against this planning application decision, then you must do so within 28 days of the date of this notice.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and you want to appeal against this planning application decision, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months of the date of this notice, whichever period expires earlier.

Otherwise, if you want to appeal against this decision then you must do so within 6 months of the date of this notice.

Appeals must be using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <http://acp.planninginspectorate.gov.uk>

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry then you must send notice to the Local Planning Authority and Planning Inspectorate(inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details can be found at www.GOV.uk

PURCHASE NOTICES

If either the local planning authority or the Secretary of State refused permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (that is, where the land is situated in a National Park, the National Park authority for the Park, or in any other case the district council in whose area the land is situated). This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter 1 of Part VI of the Town & Country Planning Act 1990.

Please note that this decision notice only relates to matters under the Planning Acts and does not give consent under any other legislation that may apply to the development. You will need to carry out your own checks to determine whether any other consents or permissions are required. For example, the Building Regulations are likely to apply to most developments, and a Highways Licence may be required from West Sussex County Council for any development within the public highway (including the placing of skips on

highway land).

Appendix 3: Decision Notice A/207/21/PL

Application for Planning Permission

DECISION NOTICE

Application Ref: A/207/21/PL

1 To Addressee

Turley
The Pinnacle
20 Tudor Road
Reading
RG1 1NH

2 Site Address

Land off Arundel Road
Angmering
BN16 4ET

3 Description of Development

Variation of condition following grant of A/122/19/OUT relating to Conditions Nos 4 - approved plans and 16 - vehicular access.

4 In pursuance of their powers under this Act and related Orders and Regulations the Council **PERMIT** this development to be carried out in accordance with the application and plans and subject to compliance with the following conditions and Section 106 Agreement.

- 1 Details of the appearance, landscaping, layout and scale (hereinafter called 'the reserved matters') shall be submitted to and be approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

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 shall be made to the Local Planning Authority not later than 17th March 2023.

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 before 17th March 2025, or before the expiration of 2 years from the date of the 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 The planning permission relates to the following approved plans:

Drawing Number CSA/3467/108 - Site Location Plan.

Drawing Number 2020-F01 Rev. D - Proposed Access Arrangement.

Drawing No. C86473-JNP-66-XX-SK-T-7007-P02 - Commercial Access - General Arrangement 1 no Footway, North Side.

Drawing Number 2020-F05 Rev. A - Proposed Controlled Crossing.

Ecological Mitigation and Enhancement Strategy prepared by CSA Environmental (Ref. CSA/3467/09), dated July 2019.

Reason: For the avoidance of doubt and the interests of amenity and the environment in accordance with Policy D DM1 of the Arun Local Plan.

- 5 Prior to the submission of any reserved matters application a design code masterplan shall be submitted to, and be approved in writing, by the Local Planning Authority.

The design code masterplan will provide further details on matters such as character areas, street hierarchy, building typologies, key buildings, the approach to car parking, structural planting, street furniture, lighting and treatment of the public realm. The development shall be carried out in accordance with the approved design code.

Reason: To enable the Local Planning Authority to control the development in details in the interests of amenity by endeavouring to achieve buildings of visual quality in accordance with Policy D DM1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because the design of the scheme goes to the heart of the planning permission.

- 6 The landscaping and layout particulars to be submitted in accordance with Condition 1 shall include details of the landscape treatment along the northern boundary of the site with Steyne Wood, including measures to deter unauthorised access by motor cycles and motor vehicles to the Wood; and details of the footpath links from the application site into the Sports Hub in accordance with the Development Framework Plan.

Reason: In the interests of amenity and of the environment of the development in accordance with Policy D DM1 of the Arun Local Plan

- 7 All planting, seeding or turfing comprised in the approved details shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of amenity and of the environment of the development in accordance with Policy D DM1 of the Arun Local Plan.

- 8 Prior to the commencement, including any works of demolition, a Construction Management Plan shall be submitted for approval in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:

- The anticipated number, frequency, routing and types of vehicles used during construction,
- The method of access and routing of vehicles during construction,
- Full details of the construction compound,

- Soil resources plan,
- Dust mitigation measures,
- Noise reduction measures,
- The parking of vehicles by site operatives and visitors,
- The loading and unloading of plant, materials and waste,
- The storage of plant and materials used in construction of the development,
- The erection and maintenance of security hoarding,
- The provision of effective wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- Details of public engagement both prior to and during construction works.

Reason: For the avoidance of doubt and in the interests of amenity, the environment and highway safety, in accordance with Policy D DM1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because of the need to ensure measures are in place to mitigate the impact of construction works and deliveries on neighbouring residential amenity.

- 9 The hours of operation for the construction works, including deliveries to / from the site, to be limited to 08:00 hours and 18:00 hours on Mondays to Fridays inclusive; 08:00 hours and 13:00 hours on Saturdays; not at any time on Sundays or Bank Holidays except without the express authority of the Local Planning Authority.

Reason: In order to safeguard the amenity of neighbouring residents and highway safety, in accordance with Policy D DM1 of the Arun Local Plan.

- 10 No plant or machinery shall be operated, no process carried out and no deliveries taken or despatched from the Employment/Commercial Centre except between the hours of 07:00 and 18:00 hours on Monday to Fridays inclusive; 08:00 and 13:00 hours on Saturday; not at any time on Sundays or Public or Bank Holidays

Reason: In the interest of neighbouring residential amenity, in accordance with Policy D DM1 of the Arun Local Plan.

- 11 No dwelling and the Employment/Commercial Centre shall be occupied until refuse and recycling bins have been provided and space has been laid out for their storage in relation to that dwelling in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter these areas shall not be used for any purpose other than the storage of refuse and recycling bins.

Reason: In the interests of the amenity of occupiers of nearby properties in accordance with Policy D DM1 and Policy WM DM1 of the Arun Local Plan.

- 12 Prior to the occupation of 80 dwellings on this site, the improvement works at the A280/A27/Titnore Lane Roundabout junction shall be completed and open to the traveling public as shown on I-Transport's drawing number "ITB9105-GA-024 Proposed Improvement Scheme to A280/A27/Titnore Lane Roundabout" (or such other scheme of works substantially to the same effect, as may be approved in writing by the Local Planning Authority in consultation with Highways England), including any necessary transfer of lands to enable the construction and maintenance of the scheme.

Reason: The modifications have been proposed to provide sufficient capacity at the A280/A27/Titnore Lane Junction, This is to ensure that the A27 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with Section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety, in accordance

with Policy T SP1 of the Arun Local Plan.

- 13 Prior to the occupation of 80 dwellings on this site, the proposed improvements to the existing pedestrian crossing points on the A27 shall be completed and open to the travelling public as shown on Croft's drawing number "2020-06 - Proposed Improvements to existing pedestrian crossing points on A27" (or such other scheme of works substantially to the same effect, as may be approved in writing by the Local Planning Authority in consultation with Highways England), including any necessary transfer of lands to enable the construction and maintenance of the scheme.

Reason: To ensure that the A27 continues to be an effective part of the national system of routes for through traffic in accordance with Section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety, in accordance with Policy T SP1 of the Arun Local Plan.

- 14 Prior to the occupation of the first dwelling on this site, details of the pedestrian links to the boundary of the site with the Palmer Road Recreation Ground should be submitted to and be approved in writing by the Local Planning Authority. The approved pedestrian links to the Palmer Road Recreation Ground should be retained thereafter.

Reason: To provide alternative travel options to the use of the car in accordance with Policy D DM1, Policy T SP1 and Policy T DM1 of the Arun Local Plan.

- 15 No more than 80 dwellings shall be occupied until such time that the controlled crossing on Arundel Road, hereby approved, is implemented in accordance with drawing titled proposed controlled crossing (Drawing No. 2020-F05 Rev. A).

Reason: To provide alternative travel options to the use of the car in accordance with Policy D DM1, Policy T SP1 and Policy T DM1 of the Arun Local Plan.

- 16 No part of the residential development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on Drawing No. 2020-F01 Rev. D: Proposed Access Arrangement.

No part of the Employment/Commercial Centre shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on Drawing No. C86473-JNP-66-XX-SK-T-7007-P02 - Commercial Access - General Arrangement 1 no Footway, North Side.

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

- 17 No part of the development shall be first occupied until a detailed Travel Plan, which will cover both the residential and employment uses, has been submitted to and been 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 of Transport or as advised by the Local Highway Authority.

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

- 18 No dwelling shall be occupied until space for that dwelling has been laid out for the parking of cars, motorcycles and cycles in relation to that dwelling in accordance with a drawing and schedule to be submitted to and be approved in writing by the Local Planning Authority. These areas shall thereafter not be used for any purpose other than the parking of cars, motorcycles and cycles.

Reason: In the interests of road safety and to accord with approved policy in accordance with

Policy D DM1 of the Arun Local Plan.

- 19 Garages provided on the site shall measure a minimum of 6 metres x 3 metres internally.

Reason: To ensure that adequate and satisfactory provision is made for the parking (and garaging) of vehicles clear of all highways in accordance with Policy D DM1 of the Arun Local Plan.

- 20 No development shall commence until a scheme for the location and installation of fire hydrants has been submitted to and approved in writing by the Local Planning Authority. For the purposes of this condition the scheme shall be in accordance with the Guidance Note: The Provision of Fire Hydrants and an Adequate Water Supply for Fire Fighting as published by West Sussex Fire and Rescue Services (as amended from time to time). No building hereby permitted shall be occupied until the fire hydrant(s) required to serve that building have been installed in accordance with the approved scheme.

Reason: In order to provide adequate infrastructure for emergency services, in accordance with Policy D DM1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because of the need to ensure the safety of residents on the site.

- 21 At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low carbon energy sources (as described in the glossary at Annex 2 of the National Planning Policy Framework). Prior to the commencement of development 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 development shall be implemented in accordance with the approved details and timetable and retained as operational thereafter.

Reason: In order to secure on site renewable energy in accordance with national planning policy, and in accordance with Policy ECC SP2 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because of the need to ensure the provision of decentralised and renewable or low carbon energy sources on the site.

- 22 Prior to the commencement of development, a strategy for the provision of the highest available headline speed of broadband provision to future occupants of the site shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall take into account the timetable for the delivery of 'superfast broadband' (defined as having a headline access speed of 24Mb or more) in the vicinity of the site (to the extent that such information is available). The strategy shall seek to ensure that upon occupation of a dwelling, the provision of the highest available headline speed of broadband service to that dwelling from a site-wide network is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway. Unless evidence is put forward and agreed in writing by the Local Planning Authority that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure, the development of the site shall be carried out in accordance with the approved strategy.

Reason: To safeguard the amenities of residents in accordance with Policy D DM1 and Policy TEL SP1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because the provision of broadband needs to be incorporated into the design for the site.

- 23 Prior to the commencement of construction and demolition works a Schedule of Works shall be submitted to the Local Planning Authority for approval and will be based on the recommendations within the supporting Ecological Mitigation and Enhancement Strategy. All approved details shall then be implemented in full and in accordance with the agreed timings and details.

The Schedule of Works shall include but not be restricted to:

- Timings for clearance of trees or scrub to avoid impacts on breeding birds;
- Grassland areas managed to benefit reptiles;
- Details of compensatory and additional tree planting;
- Details of compensatory boundary habitat planting and wildflower meadow planting;
- Details and locations of bat, bird, dormouse and invertebrate boxes, and log piles provided on the site;
- Measures to minimise the disturbance of badgers including details of a 20 metre buffer to the badger sett;
- Post development habitat management and dormouse population monitoring will include maintaining hedgerows and planting for the foreseeable future.

Should the detailed layout of the site require the removal of further trees which have the potential to support bats, a climbed tree inspection survey will be required.

Reason: This condition is necessary to ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in line with national guidance and Policy ENV DM4, Policy ENV DM5 and Policy ENV SP1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because of the need to ensure measures are in place to protect wildlife and habitats on site prior to any disturbance.

- 24 Prior to the commencement of development, a scheme for the provision of facilities to enable the charging of electric vehicles to serve the dwellings and the employment premises shall be submitted to the Local Planning Authority for approval in writing and thereafter implemented in accordance with the approved details and the charge points shall thereafter be permanently retained and maintained in good working condition.

Reason: New petrol and diesel cars/vans will not be sold beyond 2040, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with Policy QE DM3 (c) of the Arun Local Plan, the Arun District Council Electric Vehicle Infrastructure Study (November 2017) and the National Planning Policy Framework. It is considered necessary for this to be a pre-commencement condition because of the need to ensure that the infrastructure for electric vehicle charging measures are in place in the residential development and in the industrial development.

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

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

- 26 Development shall not commence until full details of the maintenance and management of the surface water drainage system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include details of financial management and arrangements for the replacement of major components at the end of

the manufacturer's recommended design life. Upon completed construction of the surface water drainage system, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.

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

- 27 Immediately following implementation of the approved surface water drainage system 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 details. The agreed scheme shall thereafter be maintained in perpetuity.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with Policy D DM1 and Policy W DM3 of the Arun Local Plan.

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

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

- 29 Prior to the commencement of construction works details of a proposed foul drainage system shall be submitted to and be approved in writing by the Local Planning Authority (including details of its siting, design and subsequent management / maintenance) and no dwelling shall be occupied until works for the disposal of sewage have been fully implemented in accordance with the approved details.

Occupation of the development is to be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate waste water network capacity is available to adequately drain the development.

Reason: To prevent pollution of water bodies and to ensure the satisfactory drainage of the site and to prevent flooding, in accordance with Policy W DM1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because the site drainage needs to be approved and implemented before the dwellings are occupied.

- 30 Prior to the commencement of development, details of the proposed external lighting for the residential development and the Employment/Commercial Centre on the site shall be submitted and be approved in writing by the Local Planning Authority. The lighting details should include:

a) Details of Zone E2 (Rural) lighting luminaires (lux levels);

- b) Mitigation measures to minimise potential glare and spillage;
- c) Location of lighting columns;
- d) Design and appearance of lighting columns;
- e) Timings of lighting (reduced coverage between 11.00pm and 7.00am); and
- f) Phasing for the implementation of the scheme.

The approved lighting system shall be implemented in accordance with approved details and be retained thereafter.

Reason: To reduce light pollution, in the interests of amenity and the environment and to satisfy minimum security requirements, in accordance with Policy D DM1 and Policy QE DM2 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because the light levels for the site need to be approved and implemented before the dwellings and the Employment/Commercial Centre are occupied.

- 31 No development shall commence until plans of the site showing details of the existing and proposed ground levels, proposed finished floor levels, levels of any paths, drives, garages and parking areas and the proposed completed height of the development and any retaining walls have been submitted to, and been approved in writing by, the Local Planning Authority. The details shall clearly identify the relationship of the proposed ground levels and proposed completed height with adjacent buildings. The development thereafter shall be carried out in accordance with the approved details.

Reason: To ensure that a satisfactory relationship results between the new development and adjacent buildings and public areas, in accordance with Policy D DM1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition as these details relate to the construction of the development and thus go to the heart of the planning permission.

- 32 Prior to the commencement of development, an Arboricultural Method Statement (AMS) and a Tree Protection Plan shall be submitted for approval in writing by the Local Planning Authority, to both describe and illustrate the mitigation measures which are to be employed to ensure that the trees survive without detriment to their vigour and vitality and are given adequate protection both above and below ground.

Reason: In the interests of amenity and of the environment of the development in accordance with Policy D DM1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because of the need to ensure that trees are protected during the construction of the development hereby approved.

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

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

- 34 At least ten percent (10%) of all dwellings shall be designed and constructed to M4(2) standard and in addition six (6) dwellings shall be designed and constructed to M4(3) wheelchair accessible standard in accordance with 'Access to and use of buildings: Approved Document M'.

Reason: To ensure that dwellings are adaptable and meet the diverse needs of future occupiers in accordance with Policy D DM1 of the Arun Local Plan and Paragraph 61 of the National Planning Policy Framework.

- 35 The employment uses on the Employment/Commercial Centre should be restricted to Use Class B1 and B2. No development within use Class B8 (storage and distribution) uses will be permitted on the site.

The employment uses on the Employment/Commercial Centre shall not exceed 12.0 metres in height to the top of the ridgeline/roofline.

Reason: To protect the environment and mitigate the visual impact of the Employment/Commercial Centre when viewed from the South Downs National Park, in accordance with Policy D DM1 and Policy EMP SP3 of the Arun Local Plan.

- 36 Prior to the occupation of the commercial buildings within the Employment/Commercial Centre, a CCTV strategy (to include details of the location cameras and type of system) shall be submitted to and be approved in writing by the Local Planning Authority. The agreed details shall be implemented prior to first occupation and be retained and maintained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of public safety in accordance with Policy D DM1 of the Arun Local Plan. It is considered necessary for this to be a pre-occupation condition because the site security needs to be approved and implemented before the commercial buildings within the Employment/Commercial Centre are occupied.

- 37 Prior to the commencement of development a further detailed Noise Assessment Report, shall be submitted to and be approved in writing by the Local Planning Authority. The further detailed Noise Assessment Report should demonstrate that the internal and external noise levels of the proposed dwellings will conform to the indoor ambient noise levels for dwellings and external noise levels for amenity spaces ie. gardens, as specified within BS8233:2014, Guidance on Sound Insulation and Noise Reduction for Buildings and Pro PG: 2017. The further detailed Noise Assessment Report should provide specific details of the mitigation measures to be installed on the Employment/Commercial Centre.

Prior to the occupation of the dwellings and the Employment/Commercial Centre any mitigation measures specified in the approved scheme shall be implemented in accordance with the approved details; and retained thereafter.

Post construction validation testing is to be carried out which demonstrates to the satisfaction of the Local Planning Authority that the requirements of the above British Standard, WHO and ProPG guidance and are achieved both in terms of LAeq and LAm_{ax}.

Reason: To protect the amenity of local residents in accordance with Policy QE DM1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition to ensure that the houses are constructed with the required noise mitigation measures.

- 38 Prior to commencement of the development hereby approved the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority:
1. A Preliminary Risk Assessment which has identified: all previous (historical) uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; and potentially unacceptable risks arising from contamination at the site.
 2. A Site Investigation Scheme, based on (1) above to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 3. Based on the Site Investigation Scheme and the detailed risk assessment (2), an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 4. Verification Report providing details of the data that will be collected in order to demonstrate

that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components, (1) to (4) require the express written consent of the Local Planning Authority.

The scheme shall be implemented as approved above and, prior to commencement of any construction work (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a Verification Report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of that remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. The report shall also include a 'long-term monitoring and maintenance plan' for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification report, and for the reporting of this in writing to the Local Planning Authority.

Reason: To protect the amenity of local residents in accordance with Policy QE DM4 of the Arun Local Plan.

- 39 No development shall take place 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 Local Planning Authority.

Reason: The site is of archaeological significance in accordance with Policy D DM1 and Policy HER DM6 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because archaeology can only be investigated before construction commences.

- 40 Prior to the commencement of development hereby approved, a phasing plan identifying all phases of development shall be submitted to and be approved in writing by the Local Planning Authority. The phasing plan shall set out how all principal elements of the scheme will be phased. The phasing plan will allow for the completion of the new commercial buildings prior to the demolition of the existing commercial buildings on site. All phases of the development shall be completed and carried out in accordance with the phasing plan.

Reason: To enable the development to be phased so that the new commercial units are completed before the existing units are removed, in accordance with Policy EMP DM1(6) of the Local Plan.

- 41 The development hereby permitted shall be carried out in accordance with the soil handling measures and the proposed use of on-site soils as set out in the 'Soils and Agricultural Quality of Land off Arundel Road, Angmering' Report (Ref. 1671/1), prepared on 21st February 2020 by Land Research Associates.

Reason: To enable the Local Planning Authority to control the development and protect the soil resources on the site, in accordance with Policy SO DM1 of the Local Plan.

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.

INFORMATIVE: The Highways Act 1980 (as inserted via The Infrastructure Act 2015) requires those proposing works affecting the public highway to enter into an agreement with the Strategic Highway Authority

(Highways England).

This development involves work to the public highway that can only be undertaken within the scope of a legal Agreement between the applicant and Highways England. Planning permission in itself does not permit these works.

It is the applicant's responsibility to ensure that before commencement of any works to the public highway, any necessary Agreements under the Highways Act 1980 are also obtained. Advice on this matter can be obtained from the Spatial Planning Team, Highways England, Bridge House, 1 Walnut Tree Close, Guildford, Surrey GU1 4LZ. Highways England switchboard Tel. 0300 470 1370. Email: planningse@highwaysengland.co.uk

INFORMATIVE: The applicant is advised to enter into a Section 59 Agreement under the Highways Act, 1980, to cover the increase in extraordinary traffic that would result from construction vehicles and to enable the recovery of costs of any potential damage that may result to the public highway as a direct consequence of the construction traffic. The applicant is advised to contact the Highway Officer (Tel. 01243 642105) in order to commence this process.

INFORMATIVE: The applicant is required to obtain all appropriate consents from West Sussex County Council, as Local Highway Authority, to cover the off-site highway works. the applicant is requested to contact the Implementation Team Leader (Tel. 01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

INFORMATIVE: The applicant is advised that the erection of temporary directional signage should be agreed with the Local Traffic Engineer prior to any signage being installed. The applicant should be aware that a charge will be applied for this service.

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

INFORMATIVE: The owner(s) of any commercial property (warehouses, offices, etc.) built before 2000 are legally obliged to hold a copy of an asbestos register for each property in their portfolio. As the commercial properties are demolished, the Council need to be satisfied that if any asbestos previously identified is still present, it is removed safely to minimise risk to human health as there is no safe threshold for asbestos exposure. A copy of the asbestos register, and any remedial strategy (where appropriate), must be provided in writing to the Local Planning Authority prior to any works commencing.



Neil Crowther
Group Head of Planning

Case Officer: Michael Eastham

Decision Issued: **23rd November 2021**

Arun District Council
The Arun Civic Centre
Maltravers Road
Littlehampton
West Sussex BN17 5LF

IT IS IMPORTANT THAT YOU READ THE NOTES ATTACHED TO THIS DOCUMENT

APPEALS TO THE SECRETARY OF STATE

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, and you want to appeal against this planning application decision, then you must do so within 28 days of the date of this notice.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and you want to appeal against this planning application decision, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months of the date of this notice, whichever period expires earlier.

Otherwise, if you want to appeal against this decision then you must do so within 6 months of the date of this notice.

Appeals must be using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <http://acp.planninginspectorate.gov.uk>

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry then you must send notice to the Local Planning Authority and Planning Inspectorate(inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details can be found at www.GOV.uk

PURCHASE NOTICES

If either the local planning authority or the Secretary of State refused permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (that is, where the land is situated in a National Park, the National Park authority for the Park, or in any other case the district council in whose area the land is situated). This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter 1 of Part VI of the Town & Country Planning Act 1990.

Please note that this decision notice only relates to matters under the Planning Acts and does not give consent under any other legislation that may apply to the development. You will need to carry out your own checks to determine whether any other consents or permissions are required. For example, the Building Regulations are likely to apply to most developments, and a Highways Licence may be required from West Sussex County Council for any development within the public highway (including the placing of skips on

highway land).

Appendix 4: Site Location Plan



REV. DATE		REVISIONS:				BY		REV. DATE		REVISIONS:				BY		REV. DATE		REVISIONS:				BY		STATUS:	
Planning																									
CLIENT: Redrow Homes												PROJECT: Arundel Road, Angmering													
SCALE: 1:1250 (A1 ORIGINAL)												DRAWING: Site Location Plan													
DRAWN: RDP						20232						S101						—							
DATE: 11/11/21																									
© COPYRIGHT EXISTS ON THE DESIGNS AND INFORMATION SHOWN ON THIS DRAWING This drawing may be scaled or cross referenced to the scale bar for planning application purposes only. Do not scale for any other purpose, use figured dimensions only. Subject to site survey and all necessary consents. All dimensions to be checked by user and any discrepancies, errors or omissions to be reported to the Architect before work commences. This drawing is to be read in conjunction with all other relevant materials. OS Licence No. 100007327																									

architectureplanninglandscapeplanning

Broadmeade House, Farnham Business Park,
Weydon Lane, Farnham, Surrey GU9 8QT.
info@osparchitecture.com www.osparchitecture.com
Tel: 01252 287878

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Appendix 5: Committee Report: A/122/19/OUT

REPORT UPDATE

Application No: A/122/19/OUT

Reason for the Update / Changes

Reason for Update/Changes:

1. The County Council and the applicant have requested that the triggers for Primary, Secondary and Sixth Form Education, together with the triggers for the Library, Fire and Rescue and the Transport contributions in the Section 106 Agreement be at 50% prior to occupation of 1st Housing Unit and 50% prior to occupation of 50% of Housing Units. The Primary Education contribution should be used towards the provision of a new primary school serving Angmering. If it is confirmed that a new school will not be provided in Angmering then the contribution shall be used towards additional facilities at St Margaret's CE Primary School or St Wilfrid's Primary School. The trigger for the developer contribution towards monitoring to be prior to commencement. The Section 106 Agreement should refer to a 'transfer' of land; not a gift; the transfer is required because of a policy requirement.
2. As there will be an expectation on the District Council to deliver the footpath link, which does not need to be highlighted in the Section 106 Agreement, the requirement for Arun District Council to provide a footpath connection from Palmer Road Recreation Ground to the PRow 2176 should be removed from the draft Section 106 Agreement.
3. Due to the existing width and layout of Arundel Road, the Section 106 Agreement should refer to a contribution towards the implementation of a cycle route along the "Arundel Road Corridor" from the Hammerpot Junction on the A27 in the north running south to Angmering village centre via either Arundel Road or the local PRow network; and the provision of footway improvements on Arundel Road; as the suitability of the local PRow network for upgrade to a cycle route should be investigated.
4. Since the Committee Report was uploaded on the Council's website, an Appraisal of Agricultural Land Quality, which includes a Soil Resources Plan has been submitted. The Appraisal identifies 3.4 hectares (37%) of the site as Grade 3a (best and most versatile) agricultural land, which is located in the southern part of the site; 2.1 ha of which would be occupied by the land that is to be transferred for use as sports pitches. The Appraisal and Soil Resources Plan includes soil handling measures; the appraisal has taken into account DEFRA's Soil Strategy for England; and the Soil Resources Plan demonstrates that care will be taken to preserve the soil resource so that it could be incorporated into the on-site Green Infrastructure following development, in accordance with Policy SO DM1 of the Local Plan.
5. Following the submission of objections from the occupiers of the existing commercial units on the site, it is considered that the occupiers of the existing commercial units should have the opportunity to take up the new commercial floorspace provided if they so wish. In this context, whilst the detailed development programme for the site will be clarified at the Reserved Matters stage, the applicant is prepared to accept a condition requiring development to be phased in such a way that the new commercial units are completed before the existing units are removed. The condition suggested by the applicant is as follows:
"Prior to the commencement of development hereby approved, a phasing plan identifying all phases of development shall be submitted to and be approved in writing by the Local Planning Authority. The phasing plan shall set out how all principal elements of the scheme will be phased. The phasing plan will allow for the completion of the new commercial buildings prior to the demolition of the existing commercial buildings on site. All phases of the development shall be completed and carried out in accordance with the phasing plan."

Reason: To enable the development to be phased so that the new commercial units are completed before the existing units are removed, in accordance with Policy EMP DM1(6) of the Local Plan."

6. A resident of Littlehampton has submitted the following comments on the committee report and the suggested Section 106 contributions: The highway contributions ignore the junction of Arundel Road and the A27; that proper signage is required regarding pedestrian and cycle crossing. If a new primary school is constructed in Angmering, will the opportunity be taken to create a proper safe route to School, and are the pavements along Arundel Road of sufficient size? The committee report does not specify how many trees will be removed or how many would be planted in replacement.

Officers Comment:

1. It is considered appropriate to amend the triggers for education, library, fire and rescue and transport contributions in the draft Section 106 Agreement to ensure that they are consistent, in accordance with Policy INF SP1 of the Arun Local Plan. It is considered necessary to emphasise that the priority is a new primary school first and then only something else when it is confirmed that a new school will not be provided in Angmering then the contribution shall be used towards additional facilities at St Margaret's CE Primary School or St Wilfrid's Primary School. Agree to the trigger for the developer contribution to monitoring to be prior to commencement to ensure that resources are available for the LPA to monitor the development from the outset. Agree to refer in the S106 Agreement to a 'transfer' of land and not a gift of land.

2. It is considered that the reference to the footpath connection to the PRow 2176 should be removed from the draft Section 106 Agreement as the District Council would be expected to deliver the connection, in accordance with Policy T DM1(d) of the Local Plan.

3. Agree to amend the wording in the draft Section 106 Agreement for the developer contribution towards the delivery of a safe cycle route from the A27 to Angmering Village Centre; and to the provision of footway improvements on Arundel Road. These changes would comply with Policy T DM1(d) of the Local Plan.

4. The contents of the Appraisal of Agricultural Land Quality and the soil handling measures and the proposed use of on-site soils as set out in the Soil Resources Plan are considered to be acceptable, and in accordance with Policy SO DM1 of the Local Plan. It is recommended that the following condition be imposed:

"The development hereby permitted shall be carried out in accordance with the soil handling measures and the proposed use of on-site soils as set out in the 'Soils and Agricultural Quality of Land off Arundel Road, Angmering' Report (Ref. 1671/1), prepared on 21st February 2020 by Land Research Associates.
Reason: To enable the Local Planning Authority to control the development and protect the soil resources on the site, in accordance with Policy SO DM1 of the Local Plan."

5. It is considered that there is a need for a condition requiring development to be phased so that the new commercial units are completed before the existing units are removed from the site, in accordance with Policy EMP DM1(6) of the Local Plan and Policy ER2 of the Angmering NP.

6. The provision of signage at the junction of Arundel Road and the A27 is dealt with in Condition 13. The District Council is working closely with the County Council and the Parish Council towards the provision of a new primary school in Angmering. The committee report summarises the situation regarding the removal of lower quality trees on the site; the specific number of trees that are proposed to be removed are set out in the Tree Survey and Arboricultural Impact Assessment. The landscaping

details including the number and species of replacement trees would be provided at the reserved matters stage.

Note: The changes to the draft Section 106 Agreement show under the revised Heads of Terms Table attached to the Update Report.

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/122/19/OUT
LOCATION:	Land off Arundel Road Angmering BN16 4ET
PROPOSAL:	Outline application with some matters reserved for the erection of up to 160 dwellings with public open space, landscaping and sustainable drainage systems (SuDs), vehicular access point from Arundel Road; together with up to 1,393 square metres (15,000 square feet) of B1/B2 units with associated parking provision and vehicular access point from Arundel Road and land made available for expansion of current sports pitch provision (following the demolition of existing commercial units and one bungalow) (re-submission following A/36/18/OUT). This application is a Departure from the Development Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This outline planning application is for the erection of up to 160 dwellings, the provision of B1/B2 employment uses and the supply of land for sports pitch provision on land west of Arundel Road, in Angmering. The applicant is applying for access to the site as part of this outline planning application. Details regarding the appearance, scale, layout and landscaping of the proposed development would be submitted for consideration as part of a reserved matters application.
SITE AREA	9.1 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	35 dwellings per hectare.
TOPOGRAPHY	Predominantly flat. Land rises to the north.
TREES	Two oak trees (T8 and T9) situated on the western boundary of the site have been protected by a Tree Preservation Order (TPO/A/2/19). There are no other individual trees affected by the proposed development which are worthy of retention.
BOUNDARY TREATMENT	The boundary treatment for the site varies and includes post and rail fencing, hedgerows and trees of various heights.
SITE CHARACTERISTICS	The site is in mixed use with 2.45 hectares on the eastern part

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of the site in residential use, comprising New Place Bungalow, together with an existing industrial estate which includes caravan storage in the south east corner. The western part of the site comprises open countryside in agricultural use.

CHARACTER OF LOCALITY

The site lies in a predominantly rural area which is characterised by a linear form of existing and approved residential development along the road frontage with Arundel Road. The site is bounded to the south by playing fields, sports pitches including a cricket pitch, a pavilion and a multi-use games area (MUGA) at Palmer Road Recreation Ground. Open agricultural fields adjoin the site to the west. The site is bounded to the north by Steyne Wood and to the north west by Decoy Spring and ponds; and to the east by houses fronting onto Arundel Road, and a plot of land with planning permission (A/131/16/OUT) for 9 houses which also fronts onto Arundel Road. To the north east of Arundel Road is the woodland of Poling Furzefields.

RELEVANT SITE HISTORY

A/36/18/OUT	Outline planning application with some matters reserved Refused for the erection of up to 200 dwellings with access, public open space, landscaping and sustainable drainage system (SuDS) with vehicular access point from Arundel Road, one full-sized adult football pitch and the demolition of industrial units and one residential dwelling. Departure from the Development Plan.
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The previous outline planning application (A/36/18/OUT) was refused on the following grounds:

- Outside the Built Up Area Boundary;
- No contribution towards infrastructure;
- Failed to identify an adequate affordable housing tenure split;
- Insufficient information to enable an assessment of the ability of the highway network to accommodate the development without adding to the hazards of highway users to an unacceptable degree; and
- The loss of an established employment site.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Angmering Parish Council

Support the application.

The Parish Council agrees with the additional information on highways, parking and employment.

Fifty two letters of representation, together with a petition with 445 signatures, have been received from local residents and tenants of the industrial estate objecting to the proposed development on the following grounds:

- This is a departure from the Local Plan and Neighbourhood Plan. The site is not allocated for housing.

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- Angmering has already taken enough new housing developments (600 homes over last 5 years).
- There is already enough housing granted planning permission off Water Lane, in Angmering.
- The schools and doctors cannot cope with all of the housing developments in Angmering.
- A new primary school must be opened before any further housing is granted in Angmering.
- There is no dental practice in Angmering.
- The junction from Arundel Road onto the A27 is dangerous enough without adding extra traffic.
- There is no right turn (eastwards) onto the A27 so cars will use housing estates as a rat run.
- Traffic signal controls are required at A27/B2225 junction incorporating pedestrian crossing phases.
- Arundel Road is already busy at school time.
- Arundel Road is congested with parked cars outside the primary school at the start/end of the day.
- The proposed access onto Arundel Road is sub-standard with a lack of visibility southwards.
- Arundel Road cannot accommodate the present level of peak time traffic.
- Arundel Road is used by people accessing the supermarkets in the area.
- The main supermarkets and shops are south of the village.
- An extra 400+ journeys a day would cause localised chaos on Arundel Road.
- The existing traffic speeds along Arundel Road are unacceptable.
- Heavy construction vehicles visiting the site would pass St Margaret's Primary School.
- There is no pavement on Arundel Road alongside School House.
- There is an open invitation from School House to experience the danger of crossing the road.
- Attempting to access and egress School House is a risk due to its location on a blind bend.
- The Travel Plan is inaccurate (there is no bus service on Sunday and Bank Holidays).
- The site is prone to flooding.
- The Flood Risk Assessment should investigate widespread infiltration to reduce flooding.
- Two parking spaces on Decoy Drive would need to be purchased to accommodate the development.
- Uninterrupted trading of existing businesses on the industrial estate should be allowed.
- There would be an unacceptable loss of 16 small businesses from the site.
- Will the new industrial units be constructed prior to the demolition of existing units?
- Two storey commercial units would cause noise pollution and be visible from existing houses.
- The proposed housing is in close proximity to existing houses on Arundel Road.
- The development would result in the destruction of wildlife and loss of green fields.
- The proposed development would add to air and noise pollution.
- The proposed development would result in a decreased quality of life for existing residents.
- The location of the LAP in close proximity to the road would be an unacceptable risk to children.
- A condition should be imposed securing Steyne Woods against unlawful activities.
- There is no need for a sports hub.
- There is a lack of detail on the sports hub in the planning application.
- The proposed sports hub is likely to encourage the LPA to grant permission for the development.
- Prior to determination of this application a feasibility study must be prepared to assess how S106 monies from developments on Roundstone Lane can achieve the requirements of the Playing Pitch Strategy at Palmer Road without the need for additional land.
- Why is there fencing and a site office area already established along the Arundel Road boundary?

The outline planning application was discussed at the Angmering Advisory Group meeting on 5th December 2019 and an update was provided on the consultee responses.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted and issues addressed in the Conclusions section below.

CONSULTATIONS

NHS Coastal West Sussex CCG

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Ecology Advisor
Highways England
WSCC Strategic Planning
Southern Water Planning
Economic Regeneration
Environmental Health
Planning and Housing Strategy
Engineers (Drainage)
Sussex Police-Community Safety
Strategic Projects
South Downs National Park
Archaeology Advisor
Surface Water Drainage Team
Engineering Services Manager
Sport England South East
Highways England
Parks and Landscapes
Environment Agency
Sport England South East
Planning and Housing Strategy
Sussex Police-Community Safety
South Downs National Park
Sport England South East
Arboriculturist
Economic Regeneration
Conservation Officer
Sport England South East
Surface Water Drainage Team
Planning and Housing Strategy
Highways England
Sussex Police-Community Safety
Highways England
Highways England
WSCC Strategic Planning
Southern Water Planning
WSCC Strategic Planning
Parks and Landscapes
South Downs National Park
Parks and Landscapes
Sussex Police-Community Safety

Highways England
Ecology Advisor
WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

HIGHWAYS ENGLAND:

No objection.

A condition is required to set out the improvement works at the A280 / A27 / Titnore Lane roundabout junction to ensure that the scheme is delivered in the event that the Land North of Water Lane (A/40/18/OUT) development does not come forward with its associated mitigation. Another condition should also set out the improvements to the existing pedestrian crossing points on the A27; while the crossing is in place, the signs as proposed are not.

LOCAL HIGHWAY AUTHORITY:

No objection.

Conditions are required regarding pedestrian links to Palmer Road Recreation Ground, the provision of a controlled crossing on Arundel Road, the construction of the new vehicular access serving the site, the provision of parking spaces, and the submission of a Construction Management Plan and a detailed Travel Plan. A developer contribution of £576,000 (i.e. £3,600 per dwelling) is requested towards improvements to the A280/A27/Long Furlong; and the A259 Junctions (A259/Station Road roundabout and A259/A280 roundabout); or the A280 Water Lane; or the 280/Titnore Lane/A27. A developer contribution of £550,000 is also requested towards the implementation of a cycle route from the A27 to Angmering village centre.

ENVIRONMENT AGENCY:

The Environment Agency has no comments to make as this application falls outside the Agency's external consultation checklist.

SOUTHERN WATER:

No objection.

There is an increased risk of flooding unless any required network reinforcement is provided by Southern Water. It may be possible for some initial dwellings to connect, pending network reinforcement. Southern Water will carry out detailed network modelling to establish the extent of works required and to design works in the most economic manner. The works would involve initial feasibility, detail modelling and preliminary estimates; flow monitoring; detail design; and construction. A condition is recommended requiring the phased occupation of the development to align with the delivery of any sewerage network reinforcement works.

WSCC FLOOD RISK MANAGEMENT:

No objection.

The site is at low risk from surface water flooding. Any existing surface water flow paths across the site should be maintained. The area is shown to be at low risk from groundwater flooding. The drainage designs should demonstrate that the surface water run-off generated up to and including the 100 year, plus climate change, critical storm would not exceed the run-off from the current site following the corresponding rainfall event. A developer contribution of £29,718 (£185 per home) is requested towards the Angmering Flood Alleviation Scheme to deliver sustainable water management for the Black Ditch catchment through Angmering.

ADC DRAINAGE:

No objection.

The application documents include a surface water drainage strategy. The strategy outlines that some infiltration testing has been completed and that poor infiltration results were found. More winter infiltration tests need to be completed to fully establish if infiltration is viable or not. Surface water drainage conditions are recommended.

SPORT ENGLAND:

No objection.

Sport England commented predominantly on the Palmer Road Recreation Ground (the sports hub). Angmering Cricket Club is interested in playing at the Sports Hub; on a non-turf pitch with a minimum boundary of 45.72 metres. The Local Football Facility Plan identifies the sports hub as top priority for a full size floodlit 3G pitch, improvement to the four grass pitches and new changing facilities. The Football Foundation supported investment into a new 3G pitch at the sports hub, rather than the creation of two new grass pitches on the application site.

SOUTH DOWNS NATIONAL PARK AUTHORITY (SDNPA):

No objection.

The site is outside the defined settlement boundary and the proposal would be a departure from the Local Plan and Neighbourhood Plan. It is not clear on the submitted plans whether off-site enhancements to the footpath to the west (FP 2176) would be proposed, or whether a cycle route alongside Arundel Road to the north would be provided. A future reserved matters application should include an appraisal of both internal and external lighting to consider what impact it may have on the dark skies of the National Park. Any floodlighting of the adjoining sports hub would need to consider the impact on the National Park. A cycle route from the A27 Hammerpot Junction to Angmering village centre; and a footpath link to the PRow to the west of the site are supported.

ADC HOUSING:

No objection.

The applicant has submitted a revised Affordable Housing Statement and is proposing to provide 48 (30%) of the 160 dwellings for affordable housing, which is acceptable. The Council's Affordable Housing policy requires a tenure split of 75% rented and 25% intermediate housing. As at August 2019, there were 792 households in housing need on the Council's housing register. The revised affordable housing mix is considered to be acceptable.

ADC ENVIRONMENTAL HEALTH:

No objection.

Conditions are requested regarding the submission of a further acoustic (noise) report, the submission of a construction management plan; conditions controlling the hours of operation of the 2 sports pitches and deliveries to the industrial units; the provision of external lighting details and Electric Vehicle charging points within the housing development; together with conditions regarding contaminated land and asbestos.

ADC ECONOMIC DEVELOPMENT:

No objection.

The revised commercial unit provision is now suitable and reflects the Economic Development Team's aspirations for future provision of commercial accommodation on sites such as this.

ADC ARCHAEOLOGY:

No objection.

The site has the potential to contain archaeological interest and it should be trial trenched ahead of development to identify deposits of significance that might be present and to enable the implementation of appropriate measures for their preservation, whether in-situ or through further investigation, recording and dissemination of the results. The imposition of an archaeological condition is requested.

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ADC CONSERVATION OFFICER:

The application site is located in close proximity to the following listed buildings: New Place Farmhouse, a Grade II* listed building and Decoy Cottage, a Grade II Listed Building; and Angmering Conservation Area, which contains a mixture of Grade II and II* Listed Buildings, and various locally listed buildings. A heritage statement has been submitted assessing the significance of the assets and the potential impact of the development upon them. The location of the application site, along with the area of woodland which separates New Place Farm House and Decoy Cottage from the site; and the Conservation Area is some distance from the site and is separated from it by a significant amount of later development, mean that the impact of the development on the various heritage assets would be extremely limited. It is considered that the proposed development would not harm the significance of the heritage assets due to their location and the lack of inter-visibility between them.

ADC GREENSPACE:

No objection.

The proposal includes a LEAP and a LAP and land for the provision of two sports pitches. The locations of the LEAP and the LAP are supported. A NEAP contribution is also triggered from this scale of development; this should be sought through the provision of new play equipment on the Palmer Road Recreation Ground. A robust planting scheme would be required to be submitted at the reserved matters stage to compensate for the removal of vegetation and allow for the formation of a Green Corridor within the site; and as the site is in close proximity to Steyne Wood and the National Park, and the treatment of the northern boundary would require careful consideration at reserved matters stage. Footways and cycleways are to be provided on the site with connections to the wider network, which are supported.

ADC ARBORICULTURE:

No objection.

The loss of trees should be mitigated through the provision of significant tree planting set out on a landscape plan at reserved matters. An Arboricultural Method Statement and a Tree Protection Plan would be required at the reserved matters stage.

ADC ECOLOGY:

No objection.

The bat, dormice and reptile mitigation measures would be suitable; and should be conditioned. The hedgerows on site are used by bats and dormice for commuting and foraging and should be retained and enhanced. The lighting scheme would need to take into consideration the presence of bats in the local area. Due to the presence of badgers on the site, a 20 metre buffer needs to be included around the sett, by means of condition. The proposed management of the public open space and attenuation ponds would provide suitable habitat for amphibians and Great Crested Newts. The proposed on-site enhancements and mitigation measures are supported and should be conditioned.

COASTAL WEST SUSSEX CLINICAL COMMISSIONING GROUP (CCG)

Object.

A developer contribution is requested of £183,670, which would overcome this objection. The contribution would be used most likely towards developing Willow Green and/or Coppice Surgery and the integrated services site, which would serve the catchment population of this proposed development.

SUSSEX POLICE:

No objection.

The development should be designed to Secured by Design standards.

CCTV should be provided by means of condition for the commercial units. The revised location of the LAP away from the site entrance is acceptable. Provision should be made to prevent the access of vehicles and motorcycles using the perimeter pedestrian recreational route or accessing the south side

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of Steyne Wood. Sussex Police are requesting developer contributions totalling £29,778.70 for the following:

- £2,110.59 towards officer start-up equipment cost in the Angmering Neighbourhood Policing Team.
- £2,675.40 towards officer start-up recruitment and training in the Angmering Neighbourhood Policing Team.
- £625.80 towards staff start-up equipment cost at Littlehampton Police Station.
- £318 towards staff start-up recruitment and training at Littlehampton Police Station.
- £18,560.91 towards the cost of accommodating a minimum of 2.5 additional officers/staff (which are required to police this development) at Littlehampton Police Station.
- £5,488.00 towards the vehicle fleet in the Angmering Neighbourhood Policing Team.

WSSC INFRASTRUCTURE:

WSSC is requesting developer contributions towards:

- Education: No spare primary / secondary / further secondary schools in catchment areas have spare capacity to accommodate the children generated. Formula based contribution into S106 Agreement so that the education contribution may be calculated at a later date. The contributions generated by this proposal shall be spent on the new primary school for Angmering or towards additional facilities at St Margaret's CE Primary School. The secondary contributions will be spent on phase 1 of the new secondary school serving Arun. The further secondary contributions shall be spent on additional facilities at the Angmering School Sixth Form.
- Library: A contribution generated by this proposal shall go towards development and enhancement of existing library services at Angmering Library.
- Fire and Rescue: Formula based contribution into S106 Agreement so that the fire service contribution may be calculated at a later date. The Fire and Rescue Service Contribution should be used towards the re-development of Littlehampton Fire Station.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and issues addressed in the Conclusions section below.

POLICY CONTEXT

Designation applicable to site:

Outside the Built-up Area Boundary in the Local Plan.

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
ECCDM1	ECC DM1 Renewable Energy
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
ENVSP1	ENV SP1 Natural Environment
HDM1	H DM1 Housing mix
HERDM1	HER DM1 Listed Buildings
HERDM3	HER DM3 Conservation Areas
HERDM6	HER DM6 Sites of Archaeological Interest

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HWBSP1	HWB SP1 Health and Wellbeing
SKILLSSP	SKILLS SP1 Employment and Skills
1	
INFSP1	INF SP1 Infrastructure provision and implementation
LANDM1	LAN DM1 Protection of landscape character
OSRDM1	Protection of open space, outdoor sport, comm & rec facilities
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QEDM3	QE DM3 Air Pollution
QEDM4	QE DM4 Contaminated Land
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SODM1	SO DM1 Soils
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management
WSP1	W SP1 Water

Angmering Neighbourhood Plan 2014 POLICY

Health Facilities

CLW4

- Angmering Neighbourhood Plan 2014 POLICY HD1 Built-up Area Boundary
- 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 TM1 Local Highways
- Angmering Neighbourhood Plan 2014 POLICY TM2 Cycling Walking & Equestrian

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011-2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

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

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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 and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan.

Relevant Angmering Neighbourhood Plan (NP) policies have been taken account of and are addressed in the Conclusions section of this report.

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 the relevant development plan policies in that it would result in development in the countryside outside of the defined settlement boundary within the Arun Local Plan and the Angmering Neighbourhood Plan (NP).

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background as detailed in the Conclusion section. These are as follows:

- The result of the Governments 2018 Housing Delivery Test which states Arun have under-delivered on its housing targets and recommends that an Action Plan be published to set out how delivery rates will be improved (this was published in June 2019);
- The Council's Authority Monitoring Report (AMR) as considered at the Planning Policy Local Plan Sub-Committee on 17th December 2019 showed the Council can no longer demonstrate a 5 year Housing Land Supply (HLS) as required. The AMR shows there is 3.7 year supply.
- The National Planning Policy Framework (NPPF) and associated guidance particularly in respect of the presumption in favour of sustainable development;
- The Councils' 2018 HELAA (updated March 2019) assessed the site (HELAA Site Ref. 40) as being deliverable and noted it was considered suitable with no major constraints to overcome.
- the proposed employment development would match the amount of land that is currently classed as industrial uses at the site;
- the proposal to gift an area of land measuring 2.1 hectares for sports pitches would enable the land to the south to be re-developed into a Sports Hub, serving residents in the eastern part of the District.

CONCLUSIONS

PRINCIPLE:

This is an outline application with means of access details only. An indicative site layout plan has been submitted which demonstrates up to 160 dwellings could be provided together with 1,393 square metres of industrial floor-space, access roads, footpaths, public open space (including a LEAP and a LAP),

parking and landscaping, together with 2.1 ha of land to be gifted to the District Council.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications should be determined in accordance with the plan unless material considerations indicate otherwise. The development plan for the Arun District currently comprises the Arun Local Plan 2011-2031, the Angmering Neighbourhood Development Plan (March 2015) and the West Sussex Waste and Minerals Plans.

However, section 38 (5) states: "If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document". Any conflict between the Angmering NP and the Arun Local Plan, should therefore be resolved in favour of the latter.

All development policies that relate to the supply of housing in the Local Plan (policies C SP1, SD SP2) have reduced weight because Arun cannot demonstrate an adequate supply of housing land (only 3.7 years). Policies in the Angmering Neighbourhood Plan that relate to the supply of housing have greater reduced weight because they relate to out of date housing needs as the policies were based on the 2003 Local Plan.

Paragraph 14 of the NPPF states that in situations where the 'presumption in favour of sustainable development' applies to applications involving the provision of housing, then the adverse impact of allowing development that conflicts with the neighbourhood plan will not significantly and demonstrably outweigh the benefits if four specific criteria apply. In this case, criteria (a) to (d) are not all applicable because the Neighbourhood Plan was made over two years ago. Therefore, the presumption in favour of sustainable development is unaffected by the Neighbourhood Plan.

The Arun Local Plan:

The key policy considerations in the determination of this application are considered to be H SP1, SD SP1, SD SP2 and C SP1 of the Arun Local Plan (ALP) 2011 - 2031.

Policy H SP1 "The Housing Requirement" sets out an overall provision of 20,000 new homes through the Local Plan phased over the plan period to 2031. It includes a reference to additional non-strategic allocations being made across the District through reviews of Neighbourhood Plans and in cases where there is no up-to-date Neighbourhood Plan, through the publication of a "Non-Strategic Site Allocations Development Plan Document" (NSS-DPD).

This document will fulfil an identified deficit of 1,250 houses from smaller sites (under 300 units each) in the Local Plan. The NSS-DPD has not yet been published for Regulation 18 and it is currently anticipated that an Issues/Options document will be available in summer 2020. Angmering Parish Council are currently working on a review of their Neighbourhood Plan, but they have not yet reached the Regulation 18 stage in this process.

Policy SD SP1 "Sustainable Development" states the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF). It will work to secure development that contribute to the social, economic and environmental conditions south of the National Park through to the coast and throughout its settlements (both coastal and inland).

The site is in a sustainable location, just over 15 minutes walking distance of a range of local shops, services, health and education facilities. There are bus services which enable access to Angmering railway station and the surrounding area. Whilst the private car could be required for longer distances,

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future residents would not need to rely on a car to be able to live comfortably.

Policy SD SP2 "Built up Area Boundary" states that the Built-Up Area Boundary (BUAB) is defined for the main towns and villages in the District and shown on the Policies Maps. Development should be focused within the BUAB and will be permitted, subject to consideration against other policies of the Local Plan.

The site lies outside the BUAB. The site does not form part of any proposed Local or Neighbourhood Plan allocation; but the Neighbourhood Plan Team are currently at the call for sites stage.

Policy C SP1 "Countryside" states that residential development in the countryside outside the BUAB will not be permitted unless in accordance with policies in the Plan which refer to a specific use or type of development. It is noted that none of these relate to the proposed development at the application site.

As this site lies outside the nearest BUAB, it is categorised as being within the countryside and the scheme would therefore conflict with Local Plan Policies SD SP2 and C SP1.

Angmering Neighbourhood Plan:

The Neighbourhood Plan (NP) was made on 11th March 2015. Policy HD1 of the NP seeks to focus development within the BUAB as defined in the neighbourhood plan. The application site is therefore classed as countryside by the Angmering NP; and the outline planning application conflicts with the Angmering NP.

Other Material Considerations:

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.

(1) The Council's Housing Land Supply as set out in the Local Plan:

Members should note that the housing land supply target set out within the Local Plan includes a provision of at least 1,250 homes to be identified through both the review of Neighbourhood Plans and through a Non-Strategic Site Allocations Development Plan Document (NSS-DPD). The NSS-DPD is not yet out for consultation and whilst there remains potential for the site to also be promoted through this document, only limited weight can be attributed to this consideration at the current time.

(2) The Council's Current Housing Land Supply Data

In February 2019, the Government published results of its Housing Delivery Test. This shows that Arun has under-delivered on its housing targets (achieving only 91%). The Test recommends that all Councils achieving less than 95% prepare an Action Plan to set out how delivery rates will be improved.

The Council's Authority Monitoring Report (AMR) was considered at the Planning Policy Local Plan Sub-Committee in December 2019 and showed that the Council could no longer demonstrate a 5-year Housing Land Supply (HLS) as is required by the NPPF. Indeed, the AMR showed there is currently only a 3.7 year Housing Land Supply.

The reasons for the lower projected delivery include planning delays on some Strategic Allocations; poor quality schemes delaying approvals; developers unable to meet stated and committed timescales; strategic site applications not coming forward as anticipated and developer/market factors outside of local authority control.

The Council's Action Plan was published in June 2019 and makes a series of recommendations in order to boost housing delivery. This includes use of the 'presumption in favour of sustainable development' until such time as the 5-year housing land supply re-established. It recommends that applications be invited from landowners/developers on 'deliverable' HELAA sites to re-establish the 5 year housing land supply.

The release of further land for housing will help to maintain delivery rates. This may have to include sites outside the built-up area boundary and it would be preferential if such sites were located close to the edge of the BUAB and in sustainable locations which minimise the need to use the private car.

(3) 2019 HELAA Report:

To boost housing land supply in advance of the adoption of the current Local Plan, in early 2017, the Council invited applications on sites identified as 'deliverable' by the HELAA where they were considered sustainable and would not prejudice the emerging local plan and/or infrastructure delivery.

The 2019 HELAA report assessed the site (HELAA Ref. 40 - Land at Seven Acres and New Place Nursery) as "developable" with a yield of 95 dwellings, and a density of 30 dwellings per hectare. The report stated: "the site is considered to be viable and achievable." It was on this basis that this outline planning application (A/122/19/OUT) was submitted.

(4) The NPPF & the Presumption in Favour of Sustainable Development;

The National Planning Policy Framework (NPPF) 2019 is a material consideration in determining planning applications. As the Council cannot currently demonstrate a 5-year HLS, paragraph 11 (d) of the NPPF and the application of the 'presumption' for sustainable development is triggered.

This means that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (such as where the local planning authority cannot demonstrate a five year supply of deliverable housing sites), planning permission should be granted unless (i) the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or (ii) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

There is no question that (i) does not apply to this determination as the site does not lie in a protected landscape. In respect of (ii), the remainder of this report will show that there are no adverse impacts associated with the proposal. The presumption in favour of sustainable development would apply.

Paragraph 8 of the NPPF states that in order to achieve sustainable development; economic, social and environmental gains should be sought jointly and simultaneously through the planning system. The following is an analysis of the sustainable nature of the site and proposal:

The site is environmentally sustainable as it lies on the northern edge of Angmering and it will be possible for residents to use non-car means of transport to access schools, shops and other services. Pedestrians would have the benefit of a street lit pavement on Arundel Road to access services to the south of the application site in the village centre.

The proposal could help to support the local community by providing up to 160 dwellings with a mix of bedrooms (and 48 affordable homes) to meet future needs; and support the local economy by providing jobs in the Employment/Commercial Centre which would provide 1,393 square metres of floor space, and 2.1 ha of land is to be gifted to the District Council towards the delivery of the Sports Hub on the

Palmer Road Recreation Ground. If approved, the development would be required to contribute towards local schools, libraries, the local health service and to contribute to a new cycle route. As such, there would be a further benefit to the local community.

The development will likely result in economic benefits to the local area in the form of the following:

- * An increase in Council Tax receipts;
- * Potential 'New Homes Bonus' payments from the Government;
- * The creation/maintenance of construction jobs; and
- * Additional spending by new residents on local goods & services.

There is potential for an economic cost due to the loss of Grade 2 Agricultural Land.

(5) Site Location:

The application includes a location plan and a Development Framework Plan. The Development Framework Plan shows the site in relation to a recently permitted residential development for 9 houses on land fronting Arundel Road. The BUAB in this part of Angmering excludes the application site and as a result, the application site has committed residential development for 9 houses outside of the BUAB to the east.

It is considered that there would be limited harm to the character of the countryside if the application site was developed. If development on this site was allowed, it would be possible to secure a footpath link to the PRow which runs to the west of the site and make contributions towards the delivery of a cycle route from the A27 in the north to Angmering Village Centre to the south.

It is not enough to simply refuse an application on the grounds of being in the countryside without there being some form of demonstrable harm to the character or beauty of the countryside.

Employment/Commercial Development:

Policy EMP DM1(6) of the Local Plan says: "planning permission will be granted on sites outside the built-up area, provided that the proposals comply with criteria a-h. The proposed Commercial / Employment Centre comprises the re-development of existing commercial premises on the site, in accordance with Policy EMP DM1(6.a). The proposed Commercial / Employment development would cover approximately the same amount of industrial floor-space as the existing employment uses on the site and consequently, it is considered that it would not intensify uses at the site to the detriment of existing routes and highways, in accordance with Policy EMP DM1(6.b). The detailed design, layout and landscaping of the site required by Policy EMP DM1(6.c) would be dealt with at the reserved matters stage. The accessibility of the site by public transport and by foot and by bicycle, as required by Policy EMP DM1(6.d) and the access and parking facilities required by Policy EMP DM1(6.e) are addressed in the Transport section of this report. The impact of the proposed Commercial / Employment Centre on the landscape, ecology and heritage assets in the surrounding area are considered in the respective sections of this report below, to ensure the development complies with Policy EMP DM1(6.f). The impact of the proposed Commercial / Employment Centre on neighbouring residential amenity is considered in the Residential Amenity section of the report below, so as to ensure the development complies with Policy EMP DM1(6.g). In terms of crime prevention, Sussex Police have submitted representations on the Development Framework Plan (i.e. the indicative layout plan) and amendments have been made to ensure crime prevention measures are incorporated, to ensure the development complies with Policy EMP DM1(6.h); and Sussex Police will be consulted on the detailed design of the Commercial / Employment Centre at the reserved matters stage.

Policy ER2 of the Angmering NP states that "there will be a general presumption against the loss of locations that provide employment within the Parish."

One of the reasons that the previous planning application (A/36/18/OUT) was refused permission was due to the loss of an established employment site and the fact that no provision was made for replacement employment provision on the site.

The existing industrial buildings have a floor area of approximately 1,389m² and the proposed employment development in the current planning application (A/122/19/OUT) comprises the provision of 1,393 square metres. Approximately 1.6 hectares of the site is currently occupied by caravan and car storage.

A Commercial Provision Statement has been submitted which confirms that the proposed B1/B2 element of the current outline planning application has increased significantly from when the application was initially submitted to the LPA. The employment provision has increased during the consultation period from 557 square metres up to a revised proposal for 1,393 square metres on the site, which would be spread over two storeys. The proposed employment floorspace would provide approximately the same amount of floorspace as currently exists within the application site (i.e. 1,389 square metres).

The employment site is currently occupied by 9 businesses, including vehicle repair shops and a pvc window showroom and workshop. The wider employment site is used for the storage of cars and caravans. There are approximately 16 full time and 4 part time employees based on the site. The existing businesses are accommodated in converted second world war structures (i.e. Nissan huts).

It is proposed that flexible floorspace would be provided including units of 500 to 1000 square feet through to 2,500 square feet units, as required. The Development Framework Plan shows 6 equally sized units of 2,500 square feet. The precise details of the B1/B2 floorspace would be determined at the reserved matters stage. The proposed development would provide a significant qualitative enhancement on the existing employment offer at the site, capable of supporting small offices or be sub-divided into services office space or provide industrial workshop space.

The floorspace proposed consists of Class B1 and Class B2 uses (which include offices, research and development, and general industrial). Class B1 uses are appropriate within residential areas. As there is sufficient space within the Development Framework Document (the indicative layout plan) to accommodate the Commercial / Employment Centre without having a detrimental impact on existing houses on Arundel Road or on the proposed residential amenity, it is considered that Class B2 (general industrial) uses would be appropriate uses on this mixed use site. However, it is considered necessary to impose a condition restricting the ridge height of the employment buildings to 12 metres and no more than 2 storeys in height, limiting the uses to B1 and B2 due to the proximity to the South Downs National Park and to a development that would include 160 new dwellings; and to the amenity of the existing residents of Arundel Road and Palmer Road.

The detailed design, layout and landscaping of the units at reserved matters stage should take into account and respond to the sensitivity of the setting, as the site is only separated from the National Park by the A27 and Steyne Wood.

Subject to the imposition of conditions, the proposed employment part of the mixed use development is considered to be acceptable and complies with Policy EMP DM1(6) of the Local Plan and Policy ER2 of the Angmering NP.

Conclusion on Matters of Principle:

The principle of mixed use development (comprising residential and employment and the gifting of land for sports provision) on this site is clearly contrary to the policies within the Development Plan. However, the policies of the Local Plan that relate to the supply of housing have reduced weight due to the Council not being able to demonstrate an adequate supply of housing land. In addition, policies in the Angmering Neighbourhood Plan that relate to the supply of housing have greater reduced weight because they relate to out of date housing needs as the policies were based on the 2003 Local Plan.

The proposal represents sustainable development and the NPPF 'presumption in favour of sustainable development' is engaged. This and the other material considerations set out above combine to outweigh the conflict with the policies of the development plan and serve to allow for the principle of the application to be supported.

The proposed development of up to 160 houses on the site would go a considerable way in achieving the Council's Five Year Housing Land Supply. The proposed employment development would match the amount of land that is currently classed as industrial uses at the site, much of which is occupied by car and caravan storage. The proposed gifting of 2.1 ha of land for sports pitches in the south western part of the application site would also enable the land to the south known as Palmer Road Recreation Ground to be re-developed into a Sports Hub, serving the eastern part of Arun District, as identified in the Infrastructure Delivery Plan (the IDP). It is considered that these material considerations overcome the out of date policies in the Development Plan and justify the granting of planning permission for the mixed use development on this site.

TECHNICAL MATTERS

AGRICULTURAL LAND

The latest available classification map suggests that the site is both Grade 2 and either Grade 3A or 3B and is therefore to be considered as 'best and most versatile agricultural land (BMV)' which is the most flexible, productive and efficient. The NPPF (paragraph 170) requires that the Council takes into account the economic and other benefits of this type of land. The Local Plan's Sustainability Appraisal recognised that most of the undeveloped coastal plain within the District is high grade agricultural land. The loss of BMV is one factor in the decision making process.

Policy SO DM1 of the Local Plan states that "Unless designated by this Plan or a Neighbourhood Development Plan, the use of Grades 1, 2 and 3a of the Agricultural Land Classification for any form of development not associated with agriculture, horticulture or forestry will not be permitted unless need for the development outweighs the need to protect such land in the long term."

Policy SO DM1 requires the submission of an Appraisal of Agricultural Land Quality and a Soil Resources Plan with this outline planning application, which demonstrates that care will be taken to preserve the soil resource, such that it can be incorporated into a productive green environment following development. An Appraisal of Agricultural Land Quality, a Soil Resources Plan and a Sustainability and Options Appraisal are currently being prepared and an Update will be provided.

ILLUSTRATIVE LAYOUT AND DESIGN

Policy D DM1 of the Local Plan requires proposed developments to "deliver or contribute to the ease of navigation within a new or existing development scheme through use of focal points (landmarks, gateways, vistas, corner buildings, active edges, existing topography), and/ or a variety of detail within the public realm".

Policy D SP1 of the Local Plan requires "all development proposals should be of good quality and demonstrate a high standard of design". Policy EMP DM1 of the Local Plan refers to a high standard of design and landscaping appropriate to the context.

The District's draft Design SPD says "the first step in the design process should be to carry out a detailed appraisal of the development plot and its surrounding context in order to ensure a clear understanding of the site and its wider setting. The appraisal should identify the constraints and opportunities presented by various aspects of the site and its surrounds, which will inform the upcoming development proposal. Major housing and masterplanning projects should approach site appraisal strategically, considering aspects such as surrounding settlements or landscapes, drainage patterns and transport networks." (Section D.01: (Site Appraisal))

Policy HD5 of the Angmering NP says new developments should demonstrate how they have considered their impact on the surrounding area.

Policy HD6 of the Angmering NP says "proposals for new development should demonstrate high quality design, reflect local distinctiveness, and seek to incorporate local design features evident in buildings in the surrounding area".

The Design and Access Statement provides an analysis of the site area and the wider context. The Statement addresses the following issues, which would be a matter for the detailed Reserved Matters stage, but provides an indication of the ability to deliver an acceptable scheme.

The Design and Access Statement states that the development will be set within an attractive landscape framework and has been structured to create a firm, green boundary to the settlement edge. New areas of open space will accommodate a range of green infrastructure uses. New recreational routes will meander through the open spaces around the development and provide key links to Arundel Road and to Palmer Road Recreation Ground. A new attenuation basin would be located within the north western corner of the site.

The Development Framework Plan (i.e. the indicative layout plan) shows a centrally located area of public open space, integrated within the housing layout which would be beneficial in the linking of all these areas allowing the greening of the development and for wildlife corridors to be established, increasing biodiversity across the application site.

The Development Framework Plan has been revised several times and the layout of the residential and employment development; the green corridors of public open space running through the site together with the locations of the LEAP and the LAP; the location of the surface water attenuation basin in the north west corner of the site; and the land for pitches located in the south west part of the site are considered to be acceptable.

The indicative layout of the residential and employment development on the site shown on the Development Framework Plan (CSA/3467/136 Rev. G), and the site's relationship to the Palmer Road Recreation Ground to the south is considered to be acceptable in principle. The detailed site layout would be dealt with at the reserved matters stage.

CHARACTER AND APPEARANCE

The Design and Access Statement includes 4 Character Areas: Spine Street, Secondary Streets; Lane and Private Drives, and recreational routes. The Character Areas are defined by the road hierarchy that is proposed to be implemented within the residential part of the development.

It is considered that the character areas would need to be developed further at the reserved matters stage to include the proposed employment development, and move away from road hierarchy based character areas towards themed character areas based on the site itself, such as Gateway Character Areas alongside the new access road, Village Edge Character Areas alongside Arundel Road, and a

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Woodland Edge Character Area next to Steyne Wood, and so on. This would be achieved by imposing a condition requiring a design code masterplan to be submitted prior to the submission of the reserved matters stage.

The Design and Access Statement acknowledges that it is important that the new dwellings draw upon the traditional characteristics of the local vernacular architecture in Angmering Village to reinforce the sense of place established by the layout of the development in terms of the hierarchy of movement routes, the location of small open spaces along the spine streets and the provision of green infrastructure which encloses the residential development area. The use of traditional local vernacular in the residential development is supported in principle, due to the proximity of the site to Angmering Village Centre.

However, the Design and Access Statement is silent on the external appearance of the building in the proposed employment area. The reserved matters application would need to include information on the elevations and floor-plans of the employment building; and information on external storage space.

DENSITY AND SCALE

Policy D DM1 of the Local Plan says "the density of new housing will make efficient use of land while providing a mix of dwelling types and maintaining character and local distinctiveness. Higher densities will be more appropriate in the most accessible locations. Proposals should take into account the density of the site and its surroundings. The density of large sites should be varied to guard against uniformity" (Policy D DM1(13)).

Policy HD7 of the Angmering NP seeks to ensure that the density of new development is in keeping with the surrounding area and should be complied with.

The Design and Access Statement states that higher densities of development would take place along the Spine Streets, which would create strong building frontages. Lower density development would front onto the green infrastructure along the northern, southern and western edges of the site. Lower density development would overlook the proposed housing along Arundel Road so as to respect the character of the existing housing on Arundel Road. The density of development on the site would be set out in more detail at the reserved matters stage.

The new houses would generally be 2 storey in height, but 2 and a half storey houses would be introduced to emphasise the Spine Streets; overlook and frame areas of open space; terminate vistas and punctuate the street scene. The scale and height of the buildings would be dealt with in more detail at the reserved matters stage, but the principle of using 2 storey and 2 and a half storey houses is considered to be acceptable.

The Design and Access Statement is silent on the scale of the building on the employment site. Bearing in mind the relationship of the employment site and the existing houses on Arundel Road; and the location of the South Downs National Park, it is considered appropriate to restrict the height of the employment building to 2 storeys, by means of a condition.

Subject to a condition restricting the height of the buildings on the Commercial / Industrial area, the proposed densities set out in the Design and Access Statement showing the building heights and the different densities of development across the site complies with Policy D DM1 and Policy ENV DM4 of the Local Plan and Policy HD5, Policy HD6 and Policy HD7 of the Angmering NP.

AFFORDABLE HOUSING and HOUSING MIX

Policy AH SP2 of the Local Plan says "for all developments of 11 residential units or more the Council will require a minimum 30% of the total number of units proposed on site to be provided as affordable housing on the same site in the first instance".

One of the reasons that the previous planning application (A/36/18/OUT) was refused permission was due to the failure to identify an adequate affordable housing tenure split.

A revised Affordable Housing Statement was submitted during the consultation period for the current planning application (A/122/19/OUT) and the residential development on the site includes 48 affordable houses (30% provision which accords with the affordable housing policy in the Local Plan), and comprises 75% Affordable Rent and 25% Shared Ownership. The proposed quantum of affordable housing is considered to be acceptable.

The types and sizes of the houses would be provided at the reserved matters stage. The applicant will need to ensure at the reserved matters stage that the affordable housing would be pepper potted around the site and would not be clustered entirely in one location on the site.

The revised Affordable Housing Statement sets out the following housing mix:

Rented:

20 x 2 bed house

14 x 3 bed house

2 x 4 bed house

Intermediate:

8 x 2 bed house

4 x 3 bed house

The LPA requests that the applicant engages with one of the Council's preferred registered providers or an approved non-registered partner for the acquisition of the affordable housing. All of the necessary affordable housing requirements will be secured via a Section 106 Agreement.

Consequently, it is considered that the proposed development complies with Policy AH SP2 of the Local Plan, in terms of the provision of affordable housing.

ACCOMMODATION SUITABLE FOR OLDER PERSONS AND PEOPLE WITH DISABILITIES

Policy HD3 of the Angmering NP requires at least 25% of homes to be built to a Lifetime Homes standards. The equivalent standard to Lifetime Homes is Category 2 M4(2).

The LPA has a Guidance Note setting out standards aimed at securing a percentage of homes as disabled friendly and adaptable, meeting suitable standards. Under building regulations optional requirement M4(2): Category 2 - Accessible and adaptable dwellings can be enforced where it is required by a planning condition, in accordance with Policy D DM1 of the Local Plan. For schemes greater than 51 unit inclusive - 15% of units need to be designed to M4(2) standard plus two additional units to be designed to M4(3) wheelchair accessible, for every 50 units proposed thereafter. However, there is an aspiration to secure 100% M4(2). It is considered that this can be secured adequately via a suitably worded condition. As a condition was imposed on Land North of Water Lane, Angmering (A/40/18/OUT) for 10% of the units to be designed to M4(2), it is considered that this percentage (i.e.10%) should be imposed on a condition for this proposed development too, as it is reasonable to impose the same requirements on both developments.

OPEN SPACE PROVISION

Policy OSR DM1(2a) of the Local Plan says: "housing will be required to contribute towards open space provision in accordance with guidance set out in the current Open Space Study. In some parts of the district open space provision is identified as being sufficient in terms of quantity. Therefore, provision of new open space is not deemed necessary but what is needed is to seek contributions for quality improvements and/or new off-site provision in order to address any future demand."

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The outline planning application includes 2.07ha of open space on the Development Framework Plan (i.e. the indicative layout plan). The requirement of 37 metres square per person results in a requirement of 1.30ha of open space. The proposed development includes an over-provision of on-site public open space and consequently it accords with the Open Space Playing Pitches, Indoor and Built Sports Facilities SPD.

Sufficient open space was proposed on the indicative layout plan of the site to enable 0.1 hectares of the proposed public open space to be transferred to the sports pitches to enable the pitches to be squared-off in the south west part of the site.

It is considered that the provision of 1 LEAP and 1 LAP on the site as proposed in the Development Framework Plan (i.e. the indicative layout plan) would be acceptable in terms of the quantity of play areas. The provision of a LAP and a LEAP onsite would be sought via a Section 106 Agreement. The proposed location of the LEAP within the village green in the centre of the site is considered to be acceptable; as is the location of the LAP in a green space within the site. The open spaces with the LAP and LEAP shown on the indicative layout plan have the potential to link up so as to ensure connectivity across the Green Infrastructure network running south to north through the site, towards Steyne Wood. This Green Infrastructure network needs to be strictly adhered to at the reserved matters stage.

The applicant has demonstrated that the outline planning application meets the requirements for the provision of on-site public open space in terms of quantity in accordance with Policy OSR DM1(2a) of the Local Plan and the new SPD.

SPORTS PITCH PROVISION

Policy OSR DM1 requires open space and playing pitch and indoor sports facilities to be provided within new developments and Policy HWB SP1 requires all developments to be designed to maximise its impact on promoting healthy communities and reducing health inequalities.

Section 8 of the National Planning Policy Framework states that planning decisions should aim to achieve healthy, inclusive and safe communities.

The Open Space, Playing Pitches, Indoor and Built Sports Facilities SPD says "there are three community sports hub sites recognised by ADC as a priority for progressing, including Palmer Road Recreation Ground in Angmering." (Paragraph 3.3 of the SPD, January 2020)

The proposed development includes the gifting of 2.1 hectares of land to the District Council to enable the re-modelling of the existing playing pitch provision for the development of the sports hub. The land that is proposed to be gifted to the District Council is located within the red line boundary of the application site. The sports hub would be centred on the Palmer Road Recreation Ground to the south of the application site. The gifting of the land for the provision of sports pitches would be dealt with in a Section 106 Agreement.

The provision of sports pitches in the south western part of the site would extend the sport facilities on offer in Angmering and the existing wider leisure facilities at Palmer Road and positively contribute towards the delivery of a Sports Hub on the land to the south of the application site. Parking for the proposed football pitch is identified indicatively on the Development Framework Plan (the layout plan) on land outside the application site, which is part of the Palmer Road Recreation Ground.

The proposed gifting of 2.1 hectares of land to the District Council for use as sports pitches within the Sports Hub would comply with the recommendations in the Open Space, Playing Pitches, Indoor and Built Sports Facilities SPD and Policy OSR DM1 and Policy HWB SP1 of the Local Plan.

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TREES

Policy ENV DM4 of the Local Plan requires developers to provide land and tree surveys (d), a tree constraints plan (e) and an Arboricultural Impact Assessment (AIA) to include a tree protection plan and Arboricultural Method Statement (f), which will ensure that development is planned to take a comprehensive view of tree issues at an early stage in the design process and that development works do not have a negative impact on existing trees.

The Angmering NP includes Policy HD6 whereby "layouts must retain important trees and hedgerows. The planting of new trees and shrubs of similar species to those already evident in the immediate surroundings shall be encouraged".

A Tree Survey and Arboricultural Impact Assessment were submitted with the outline planning application. There is a block of deciduous woodland alongside the northern boundary of the site and individual trees in the south west corner of the site. There are 2 Category A Oak trees on the western boundary of the site. A Tree Preservation Order (TPO/A/2/19) was confirmed and made on 9th January 2020 for the protection of the 2 Category A Oak trees. A number of lower quality trees would need to be removed to accommodate the new access which would serve the residential development on the site; to accommodate the residential and commercial developments on the site; and on the land that is to be gifted for use as sports pitches in the south west part of the site.

The ADC Arboricultural Officer is satisfied with the level of tree removal proposed on the site and has requested that an Arboricultural Method Statement and a Tree Protection Plan be submitted at the reserved matters stage.

Subject to the imposition of a condition requiring the Method Statement and Protection Plan, it is considered that the proposed mixed-use development on the site complies with Policy ENV DM4 and Policy HD6 of the Angmering NP.

LANDSCAPE

Policy LAN DM1 of the Local Plan says: "development within the setting of the South Downs National Park must have special regard to the conservation of that setting, including views into and out of the Park, and will not be permitted where there would be harmful effects on these considerations."

The site is in close proximity to the South Downs National Park. The statutory purposes of the National Park are:

- 1) to conserve and enhance the natural beauty, wildlife and cultural heritage of the park; and
- 2) to promote opportunities for the understanding and enjoyment of the special qualities of the park by the public.

It is a duty of the LPA to assess the application carefully as to whether the proposed development would have a significant impact on or harm those statutory purposes. Paragraph 172 of the NPPF (February 2019) sets out the Duty of Regard for LPAs when dealing with planning applications within or affecting the setting of a National Park: "great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks". Policy HD5 of the Angmering NP says: "New development must not adversely impact upon the landscape setting or views into or out of the South Downs National Park."

A Landscape and Visual Impact Assessment which was submitted with the outline planning application

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concluded that views of the proposed development would be largely confined to vantage points located to the south and west of the site. Views of the site from the north and east would be restricted by woodland surrounding the site, including Steyne Wood. There are views of the site from the Palmer Road Recreation Ground to the south and the housing estate to the south, together with views from public rights of way to the south west. Views of the application site from the South Downs National Park are restricted by the enclosed nature of the site and intervening developments and woodland. The extensive woodlands in the Angmering Estate ensure that the site is screened from view from the National Park immediately north of the A27. Views from Highdown Hill provide far reaching views across Angmering, but intervening development and woodland on the eastern edge of Angmering and at Poling Furzefields would disrupt the views of the site.

It is considered that the site would be acceptable in visual terms and would not have an adverse visual impact upon the South Downs National Park; nor would views into the site from the National Park be significant visually due to the existing woodland cover to the north and north east of the application site at Steyne Wood and Poling Furzefields. Consequently, the proposed development is acceptable visually and complies with Policies LAN DM1 and D DM1 of the Local Plan and Policy HD5 of the Angmering NP.

TRANSPORT

Policy T SP1 of the Local Plan says that "to ensure that growth in the District strengthens Arun's economic base, reduces congestion, works to tackle climate change and promotes healthy lifestyles; the Council will ensure that development: provides safe access on to the highway network; contributes to highway improvements and promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network".

Policy TM1 of the Angmering NP requires that proposals for new development shall demonstrate that adequate and satisfactory provision has been made to mitigate the impact of traffic generated both during construction and on completion.

One of the reasons that the previous planning application (A/36/18/OUT) was refused permission was due to insufficient information to enable an assessment of the ability of the highway network to accommodate the development without adding to the hazards of highway users to an unacceptable degree; and both Highways England and the Local Highway Authority objected to the previous planning application.

Site Access:

Two site accesses are proposed including a new access at the northern end of the site, which would be the main vehicular, pedestrian and cycle access into the proposed residential area. The proposed new access road would have a carriageway measuring 5.5 metres wide with 2.0 metre wide footways on both sides, together with a 3.0 metre wide right hand turning lane on Arundel Road. A revised Drawing (Ref. 2020-F01 Rev. D) has been submitted which details that the maximum achievable visibility splay is 2.4 metres x 77 metres, which is considered to be acceptable in terms of highway safety.

The existing access road to the industrial site at the southern end of the site would be improved, to serve the proposed employment area and the adjacent Sports Hub on the Palmer Road Recreation Ground. Two metre wide footways would be provided on both sides of the road to link in with the existing footway on the western side of Arundel Road, in accordance with Drawing Number 2020-F03 Rev. B.

The proposed development includes the provision of a controlled crossing on Arundel Road. The proposed pedestrian crossing (shown on Drawing No.2020-F05 Rev. A) at the site of an existing dropped kerb crossing is close to one of the school pedestrian access points at St Margaret's Primary School. This is considered to be an improvement on the existing uncontrolled provision and is acceptable.

It is considered that the proposed mixed use development with two vehicular access points onto Arundel Road would provide safe access onto the highway, in accordance with Policy T SP1 of the Local Plan.

Trip Generation, Distribution and Assignment:

A Transport Assessment accompanied the planning application as required by Policy T SP1(e) of the Local Plan. The proposed development of up to 160 houses on the site is anticipated to generate 88 two way vehicle movements in the AM peak and 92 two way vehicle movements in the PM peak. The proposed development of up to 1,393 square metres of B1 and B2 employment space on the site is anticipated to generate 25 two way vehicle movements in the AM peak and 21 two way vehicle movements in the PM peak. The employment space would be unlikely to result in an additional impact on the local highway network over that previously tested for the original proposal for 557 square metres of employment space.

Junctions:

Highways England has requested conditions be imposed on this outline planning application requiring the inclusion of the junctions A280/Water Lane and A280/Titnore Lane/A27 secured for implementation via the Section 106 Agreement which accompanied outline planning permission A/40/18/OUT for Land North of Water Lane (i.e. part of the strategic housing allocation in the Local Plan). The current planning application (A/122/19/OUT) has relied upon these junction improvements being in place and not provided an assessment without the schemes. Therefore, should outline planning permission A/40/18/OUT for Land North of Water Lane not be implemented then improvements would be required as part of the current outline planning application (A/122/19/OUT).

The Local Highway Authority has requested that developer contributions from the Section 106 Agreement for this application (A/122/19/OUT) should go towards the following junctions:

- Improvements to the A280/A27/Long Furlong; and / or
- A259 Junctions (A259/Station Road roundabout and A259/A280 roundabout).

The proposed development has demonstrated that the transport effects on the local and strategic road network can be satisfactorily mitigated by means of planning conditions and a Section 106 Agreement.

It is therefore considered that, subject to conditions and developer contributions toward junction improvements as set out in the draft Section 106 Agreement, the proposed development on Land off Arundel Road, accords with Policy T SP1 of the Local Plan and Policy TM1 of the Angmering NP.

Public Transport:

Policy T SP1 of the Local Plan says "the Council will support transport and development which is designed to reduce the need to travel by car by identifying opportunities to improve access to public transport services and passenger transport services" (Policy T SP1(a)).

The nearest bus stop is located 600 metres south of the application site on Arundel Road. There is another bus stop on Chantryfield Road, to the south east of the application site. The Number 9 bus service travels along Arundel Road and Chantryfield Road once an hour and provides links to Angmering Railway Station, towards Arundel, Shoreham by Sea, East Preston, Worthing and Lancing.

Consequently, it is considered that the proposed development complies with Policy T SP1(a) of the Local Plan by improving access to public transport services.

Footways and Cycle Provision:

Policy T SP1 of the Local Plan says: "The Council will support transport and development which gives priority to pedestrian and cycle movements". Policy T DM1 of the Local Plan says "proposals for all new development must contribute towards the provision of a joined cycle network and Public Rights of Way

network, taking into account the aspirational cycle network, which provides convenient, accessible, safe, comfortable and attractive routes for pedestrians and cyclists both in the development and in the form of links between the development" Policy T DM1(d)).

Policy TM2 of the Angmering NP gives support to proposals which improve or increase existing footpaths.

The Local Highway Authority requested the provision of a pedestrian link onto the existing PRow network (i.e. FP2176) which runs to the west of the application site, which due to third party land ownership issues on the land immediately west of the application site, would be achievable via the Sports Hub site on the Palmer Road Recreation Ground to the south. Consequently, if the land is gifted to the District Council, ADC would then have to deliver the footpath link to the PRow. The footpath link on the Palmer Road Recreation Ground to the PRow (FP2176) would be achievable through the Section 106 Agreement. The footpath link from the application site to the Palmer Road Recreation Ground would be achievable by means of a condition.

The LPA requires the provision of a cycle route running from Angmering Village Centre; linking up with the site and continuing north along Arundel Road to the A27 Hammerpot Junction, from where the cyclepath would link up with existing routes into the South Downs National Park. A developer contribution is required towards a cycle route along Arundel Road from the Hammerpot Junction on the A27 to the north of the site and running south all the way to Angmering village centre. This would be dealt with in the Section 106 Agreement.

It is considered that the proposed footways and cycleway provisions, deliverable by means of conditions and the Section 106 Agreement would ensure that the development complies with Policy T SP1 and Policy T DM1 of the Local Plan and Policy TM2 of the Angmering NP.

Parking provision:

Policy T SP1 of the Local Plan says "The Council will support transport and development which incorporates appropriate levels of parking in line with West Sussex County Council guidance on parking provision and the forthcoming Arun Design Guide taking into consideration the impact upon on-street parking" (Policy T SP1(d)).

The proposed residential development of 160 dwellings is indicative on the Development Framework Plan (layout plan), but the reserved matters stage needs to ensure there are 2 car parking spaces per dwelling, in line with the recommendations in Table 3.1 of the ADC Parking Standards SPD, which was issued in January 2020.

The proposed commercial / employment development would accommodate a total of 30 car parking spaces, which is based on 5 spaces per unit, plus 3 visitor spaces and 1 medium/heavygoods vehicle parking space, providing 34 spaces in total. The total parking figure is below the parking provision for B1 uses as set out in Table 4.1 of the ADC Parking Standards. If the commercial / employment development was occupied solely by B1 uses (i.e. 1 space per 30 square metres) then up to 46 parking spaces could be provided. However, the total figure matches the parking provision for B2 uses as set out in Table 4.1 of the Standards (i.e. 1 space per 40 square metres) when up to 34 parking spaces could be provided.

Parking will be dealt with at Reserved Matters stage, but from the indicative layout plan, the quantum of car parking spaces for the proposed commercial / employment development would comply with the District Council's new Parking Standards SPD for B1 uses and would be in accordance with Policy T SP1(d) of the Local Plan and Policy HD8 of the Angmering NP.

Travel Plan:

Policy T SP1 of the Local Plan says "The Council will support transport and development which is supported by a Travel Plan, which is effective and deliverable" (Policy T SP1(e)).

A high level residential Travel Plan has been submitted with the current application (A/122/19/OUT) which aims to encourage residents to use sustainable modes of transport; reduce reliance on single car occupancy journeys; and generally reduce traffic related pollution and noise.

A detailed Travel Plan, which covers the employment uses as well as the residential development on the site should be provided by means of a condition.

It is considered that, subject to the detailed Travel Plan condition, the proposed development complies with Policy T SP1(e) of the Local Plan and Policy TM2 of the Angmering NP.

ECOLOGY

Policy ENV DM5 of the Local Plan says that "development schemes shall, in the first instance, seek to achieve a net gain in biodiversity and protect existing habitats on site".

An Ecological Mitigation and Enhancement Strategy was submitted with the outline planning application which recommended a number of on-site enhancements and mitigation measures. The on-site enhancements and mitigation measures comprise the provision of bat, bird, dormouse and invertebrate boxes and bat tubes; the retention of hedgerows with 5.0 metre buffer strip, scrub, trees and woodland edge to be retained; new woodland belt planting (0.5ha) and new thicket planting (0.4ha). The ADC Ecological Advisor supports the proposed on-site enhancements and mitigation measures and requests that they be conditioned.

The proposed on-site enhancements and mitigation measures include the provision of new habitats on the site comprising of 5.0 metre buffer strip around the hedgerows, the provision of a 0.5ha of woodland planting and 0.4ha of new thicket planting, together with the bat, bird, dormouse and invertebrate boxes. It is considered that the proposed enhancements/habitat creation are comprehensive and would constitute a biodiversity net gain.

The provision of a 20 metre buffer around the badger sett is considered to be acceptable and is achievable by means of a condition. The badger sett is located on land identified on the Development Framework Plan (the indicative layout plan) for landscaping including thicket planting in accordance with the recommendations in the Ecological Impact Assessment (Ref. CSA/3467/07), dated July 2019.

Consequently, it is considered that subject to conditions including the provision of the on-site enhancements and mitigation measures, the proposed development accords with Policy ENV DM5 of the Local Plan in relation to the impact on protected species and the potential for the scheme to protect existing habitats where possible and provide enhancements.

HERITAGE ASSETS

Policy HER SP1 of the Local Plan states that designated heritage assets including listed buildings, structures and their settings; and Conservation Areas will be given the highest level of protection and should be conserved and enhanced in a manner appropriate to their significance. Policy HER DM3(f) of the Local Plan says: "in order to preserve the character or appearance of the Conservation Area, planning permission will normally be granted for proposals within or affecting the setting of a Conservation Area, provided that it does not harm important views into, out of or within the Conservation Area".

Sections 66/72 of the Planning (Listed Buildings and Conservations Areas) Act, 1990 are relevant. Section 66 of the Act says: "in considering whether to grant planning permission for development which

affects a Listed Building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses." In considering whether to grant planning permission with respect to any buildings or other land in a Conservation Area, the Council shall pay special attention to the desirability of preserving or enhancing the character or appearance of that area (Section 72 of the Planning (Listed Buildings and Conservations Areas) Act, 1990).

Paragraph 190 of the NPPF (February 2019) requires great weight to be given to the conservation of heritage assets. Any harm resulting from the proposed development should be weighed against the public benefit in accordance with paragraph 196 of the NPPF (February 2019).

The proposed development needs to assess any impacts on New Place Farmhouse (Grade II* Listed Building) and Decoy Cottage (Grade II Listed Building) and Angmering Conservation Area.

A heritage statement has been submitted with the outline planning application which assesses the significance of the heritage assets including the listed buildings and Angmering Conservation Area, in accordance with the NPPF, including paragraph 189. The application has been properly assessed, considering the significance of the assets and any potential impact of the development upon them.

An area of woodland separates New Place Farm House a Grade II* listed building and Decoy Cottage a Grade II listed building from the site. The location of the application site in relation to New Place Farmhouse, a Grade II* listed building along with the area of woodland in between is considered to ensure that the proposed development would not harm the heritage asset. Equally, the location of the application site in relation to Decoy Cottage, a Grade II listed building along with the area of woodland in between is considered to ensure that the proposed development would not harm the heritage asset. Consequently, it is considered that Section 66 of the Act has been met and been fully taken into account in terms of impact on the setting of the listed buildings.

Angmering Conservation Area, contains a mixture of Grade II and II* Listed Buildings, and various locally listed buildings. Angmering Conservation Area is located some distance from the site and is separated from it by a significant amount of later development, which means that the impact of the development on the various heritage assets would be extremely limited. It is considered that the proposed development would not harm the significance of the Conservation Area, the Grade II and II* Listed Buildings, and various locally listed buildings due to its location and the lack of inter-visibility between the site and the Conservation Area. The benefits of the proposed development are detailed elsewhere in the report and so the test in paragraph 196 of the NPPF is met.

The heritage statement identifies that there is potential for non-designated heritage assets on the site in the form of former WWII structures. The information supplied as part of the application indicates that the Nissan hut buildings were not originally constructed on this site and were in-fact relocated from elsewhere. This removes them from their original context and reduces their heritage significance as non-designated heritage assets. The quality of the buildings have been allowed to deteriorate over the years which further denudes the quality of the buildings. The structures are therefore of limited heritage significance.

In weighing this application which directly affects a non-designated heritage asset, a balanced judgement is required to be made having regard to the scale of any harm or loss and the significance of the heritage asset, as required by paragraph 197 of the NPPF. The WWII structures which are the non-designated heritage assets on the site would need to be demolished to accommodate the proposed mixed-use development. It is considered that the loss of the non-designated heritage asset when weighed against the proposal is acceptable for the following reasons: the buildings have been compromised as they have been moved onto the site and the quality of the structures have denuded over time as they have not

been maintained. The asset is of reduced significance and the public benefit that would arise from the development is seen to outweigh the loss. Consequently, the scale and significance of the loss of the WWII structures is considered on balance to be acceptable in accordance with paragraph 197 of the NPPF

Consequently, It is considered that the proposed development is acceptable and it complies with Policies HER DM1 and HER DM3 and HER SP1 of the Local Plan and Policy EH1 of the Angmering NP. The contents of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) have been taken into account.

LIGHT POLLUTION

Policy QE DM2 of the Local Plan emphasises the need to consider the impact of light on neighbouring uses and wider landscape, particularly with regard the South Downs International Dark Sky Reserve designation (a), light levels should be the minimum required for security and working purposes (b), and minimise potential glare and spillage (c); and the degree to which outdoor lighting can be powered by on-site renewable sources (d).

The application site is in a semi-rural area of the district, on the boundary of Angmering adjacent to the National Park. It is considered that a lighting condition be imposed on the residential and employment developments requiring the submission of details of luminaires that are more suitable to semi-rural areas on the fringes of built-up areas. This is reinforced by the ADC's Ecological Advisor's request that the lighting scheme for the site will need to take into consideration the presence of bats in the local area through the use of directional light sources and shielding. Environmental Health has not raised an objection in terms of light emissions from the proposed residential development on existing residential amenity.

The imposition of a condition ensuring that the external lighting scheme meets the limits the environmental zone E2 (as set out in the Institute of Lighting Professionals Guidance for Reduction of Obtrusive Light) is proposed. The guidance sets out limits for the main sources of light pollution (sky glow, glare and spill) and would ensure that the lighting is appropriate to the wider landscape setting and minimises the impact of the development on the Dark Sky Reserve designation within the SDNP.

Consequently, subject to the lighting condition, it is considered that the proposed residential and employment development complies with Policy QE DM2(a), (b), (c) and (d) inclusive of the Local Plan.

RESIDENTIAL AMENITY

Policy D DM1(3) of the Local Plan says "have minimal impact to users and occupiers of nearby property and land. For example, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance".

There are a number of housing estates located off Arundel Road including housing on Palmer Road and Chantryfield Road. The proposed residential layout includes sufficient space to accommodate landscaping which would ensure that neighbouring residential amenity of dwellings fronting onto Arundel Road is not adversely affected by loss of privacy or overlooking. Notwithstanding this, the detailed layout will be dealt with at the reserved matters stage.

There is sufficient space within the site to achieve separation distances between the proposed residential and employment development and the existing houses fronting onto Arundel Road. Elevational details and floor plans showing the location of habitable rooms and industrial uses on the Employment/Commercial Centre would be submitted at the reserved matters stage.

An Odour Assessment has been submitted with the outline planning application which considers the

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potential for odour from the Hammerpot Brewery which is located 1.1km north west of the application site, to give rise to an adverse odour effect at the proposed residential development. The Assessment concludes that there would be a negligible risk of odour effect due to the large distance between the brewery and the application site; and that odour from the brewery is likely to be diluted and dispersed before reaching the proposed development. The potential for odour effects at the application site from Hammerpot Brewery is 'not significant'.

Consequently, it is considered that the proposed residential and employment development as set out on the indicative layout plan complies with Policy D DM1(3) of the Local Plan in terms of impact upon neighbouring amenity.

NOISE QUALITY

The NPPF and Policy QE DM1 of the Local Plan emphasise that noise sensitive development will not be permitted if its users would be affected by noise by proposed noise generating uses.

Policy QE DM1 of the Local Plan says: "developers proposing new noise generating development must seek advice from an early stage to determine the level of noise assessment required. Proposals will need to be supported by evidence to demonstrate that there are no suitable alternative locations for the development." (Policy QE DM1(2))

The proposed B2 general industrial development with the Commercial / Employment site would be a noise generating development. The benefit of providing replacement employment provision on this site is set out in the Principle section of this report above.

A Noise Assessment was submitted with the outline planning application which focussed on the residential part of the proposed development. The submitted noise assessment proposed mitigation measures to ensure that the required noise levels would be achieved in the living rooms and the bedrooms and the rear gardens of the dwellings the would be located closest to the A27 and Arundel Road. Acoustic ventilation would be required in the living rooms and bedrooms in the northern and north eastern parts of the site so that windows could remain closed and maintain adequate ventilation. The noise report recommends that standard close boarded fencing or 1.8m high walls are constructed in the rear gardens in the northern and north eastern parts of the site. The report confirms that the requirement for glazing and acoustic ventilation could be confirmed on a plot by plot basis at the reserved matters stage. The noise report comments that mitigation measures would be incorporated into the design of the proposed employment area to ensure that the noise impacts from the premises are reduced to acceptable levels. However, the noise report does not provide any specific details of the mitigation measures for the employment area, as these would be predicated on the detailed design layout that would be provided at the reserved matters stage. The final layout submitted at the reserved matters stage would need to be informed by a further acoustic report. Sufficient space would be required to ensure that mitigation can be incorporated and that the neighbouring amenity is protected.

Consequently, Environmental Health has requested the submission of a further Acoustic Report prior to the determination of any subsequent reserved matters application. The further Acoustic Report should include the industrial units in the Employment/Commercial Centre and how the associated increased traffic flow would affect the proposed residential development and the existing houses in the immediate vicinity. The further Acoustic Report should include the noise effect of the new foul water pumping station to the north eastern boundary of the site.

Conditions are also required regarding the hours that deliveries may be made to the proposed industrial units.

Therefore, subject to noise conditions, it is considered that the future and existing residents would not be

adversely affected by noise in accordance with Policy QE DM1 of the Local Plan.

AIR QUALITY

Policy QE DM3 of the Local Plan says "all major development proposals will be required to assess the likely impacts of the development on air quality and mitigate any negative impacts".

The proposed development is not located in an Air Quality Management Area. The applicant submitted an Air Quality Assessment report with the outline planning application which concluded that the proposed development would not lead to an unacceptable risk from air pollution. However, the report recommended mitigation measures to assist in reducing any potential impact in accordance with the Sussex Air Quality SPD including the provision of electric vehicle charging points, the implementation of the recommendations in the Travel Plan, and provision of cycleways and footways.

Environmental Health has requested a condition regarding the provision of electric vehicle charging points, so as to mitigate against any potential adverse impact of the development on local air quality. Petrol and diesel cars and vans will not be sold beyond 2040 .

It is considered that, subject to the imposition of conditions that the proposed development complies with Policy QE DM3 of the Local Plan, in terms of air quality.

CONTAMINATED LAND

Policy QE DM4 of the Local Plan says that "prior to any development, the Council will require evidence to show that unacceptable risk from contamination will be successfully addressed through remediation without undue environmental impact during and following the development".

Environmental Health have requested the imposition of conditions regarding contaminated land, which are considered to be acceptable due to the industrial activities that have taken place within the application site over the years.

Subject to the imposition of the contaminated land conditions, the proposed development complies with Policy QE DM4 of the Local Plan.

SURFACE WATER FLOODING

The NPPF requires that development does not give rise to an unacceptable risk of flooding detrimental to human health or property. Policy W DM2 of the Local Plan requires the submission of a site specific Flood Risk Assessment (FRA) which demonstrates that the development will be safe without increasing flood risk elsewhere and reduce flood risk overall; consider flood flow routing and utilise temporary storage areas.

Policy EH3 of the Angmering NP (Flood Prevention) seeks to ensure that any new development must ensure that the prospect of flooding within the development boundaries is mitigated; it does not increase the flooding impact it may have on surrounding properties and areas; and development at risk from flooding should incorporate a sustainable urban drainage system unless it is demonstrated that an alternative drainage system is appropriate.

A Flood Risk Assessment has been carried out which confirms that the application site is located in Flood Zone 1. As a result, the risk to the proposed development is considered to be very low from both fluvial and tidal sources.

The majority of the site would drain into an attenuation basin which would be located along the north western boundary of the site as identified on the Development Framework Plan. It is proposed that surface water would be piped to the attenuation basin; and an existing surface water outfall to the ditch

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along the western boundary of the site would provide a connection from the attenuation basin into the wider drainage network.

ADC Drainage Engineers have raised no objection to the proposed development, subject to conditions being imposed for surface water drainage.

Overall, sufficient information has been provided to demonstrate that a SuDs scheme for the site could be developed based on the principles in the Flood Risk Assessment and shown on the Development Framework Plan (i.e. the indicative layout plan), in accordance with Policy W DM2 of the Local Plan and Policy EH3 of the Angmering NP.

FOUL DRAINAGE

A Foul Drainage Analysis has been submitted with the outline planning application which proposes that the foul water would be discharged at an existing manhole adjacent to St Margaret's Primary School. Off-site sewers would be constructed in the public highway between the site and the proposed point of connection.

CLIMATE CHANGE

Policy ECC SP1 of the Local Plan says: "The Council will support development which is located and appropriately designed to adapt to impacts arising from climate change such as the increased probability of tidal and fluvial flooding; water stress; health impacts as a result of extreme temperatures and a decline in the quality of habitats and richness in biodiversity". Policy ECC SP2 of the Local Plan says: "All major developments 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".

The Development Framework Plan (indicative layout plan) submitted with the outline planning application does not set out the orientation of the houses so the LPA is not able to evaluate whether the orientation would ensure maximum solar gain, in compliance with Policy ECC SP1 of the Local Plan. The reserved matters application would need to maximise the number of houses set out in an east/west orientation so as to ensure maximum solar gain. The proposed residential and employment development could comply with Policy ECC SP2 through the imposition of a condition requiring 10% on-site generation from renewable or low carbon energy generation, plus the fabric first approach.

SUPPORTING INFRASTRUCTURE

Development is only acceptable with the provision of or contributions to the necessary infrastructure and facilities to mitigate the impacts of the development. Policy HD9 (Phasing of Residential Development) of the Angmering NP seeks to make sure that new housing proposals demonstrate that there is the necessary capacity in the community and physical infrastructure and services are available to support the increase in population. Representations received raised concerns about the lack of capacity of education and healthcare facilities in the area.

One of the reasons that the previous planning application (A/36/18/OUT) was refused permission was due to no contributions were being proposed towards infrastructure. The applicant is fully committed to contribute to infrastructure as part of the current planning application (A/122/19/OUT) and this commitment is set out in full below.

WSCC have confirmed that the present primary and secondary schools within the catchment areas of the proposal would not have spare capacity and would be unable to accommodate the children from the proposed development. The financial contribution requested by the County Council would be based on the housing allocation at Angmering North and Angmering South and East providing a 2FE primary school expandable to 3FE. A developer contribution towards a new primary school serving Angmering or towards additional facilities at St Margaret's CE Primary School, based on the provision of 160 dwellings.

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A site has been identified which would provide an extension to land that has already been secured for a new primary school in the south of Angmering as part of the S106 Agreement for A/40/18/OUT - Land North of Water Lane. The County Council is currently seeking to secure the land which would ensure that the primary school requirements can be met.

A formula based contribution is required towards Phase 1 of the new secondary school serving Arun. The applicant has confirmed their acceptance of the formula based approach which would be based on the actual mix. As the applicant has agreed to provide this contribution as part of the S106 agreement it is considered that the development would accord with Policy INF SP1 of the Arun Local Plan.

The further education contribution generated by this proposed development shall be spent on future expansion at the Angmering School Sixth Form, which is CIL compliant.

In addition the following contributions are considered to be CIL compliant and are required in order to mitigate the impact of the development:

- A formula based contribution towards the development and enhancement of existing services at Angmering Library.
- A formula based contribution towards the re-development of Littlehampton Fire Station, providing additional services for the residents of Angmering,
- £29,718 (£185 per home) towards the Angmering Flood Alleviation Scheme to deliver sustainable water management for the Black Ditch catchment through Angmering.
- £183,670 toward Willow Green and/or Coppice Surgery and the integrated services site.
- £29,778.70 to fund the future purchase of police infrastructure to serve the proposed development.

The proposal includes the gifting of 2.1 hectares of land to the District Council to enable the re-modelling of the existing playing pitch provision to accommodate the development of the Sports Hub. The need for the additional 0.1ha of land was identified to provide the pitches and it was valued at £355,000. This would be in lieu of the following contributions which would not be sought:

- £85,800 towards the provision of new play equipment at the Palmer Road Recreation Ground.
- £63,863 towards providing the flexible sports hall/activity and / or studio space at a Sports and Community Hub at Palmer Road in Angmering.
- £68,224 towards improving provision and increasing the capacity of swimming pools and associated wet side facilities for the District.
- £19,712 towards provision of additional health and fitness provision as part of a Sports and Community Hub at Palmer Road, Angmering.
- £6,160 (a formula based contribution) towards public art.
- = £243,759 in total.

The highways infrastructure and open space requirements are set out in the relevant sections above and further detail is set out in the S106 Agreement Table attached to this report.

The proposed on-site provision of 48 affordable housing units would be secured through Section 106 Agreement, in accordance with Policy AH SP2 of the Local Plan.

Angmering Parish Council was invited to submit CIL compliant schemes that could be provided in full or in part through developer contributions by means of a Section 106 Agreement to be implemented if outline planning permission is granted for A/122/19/OUT. The Parish Council proposed 17 infrastructure schemes. The following schemes are considered to be CIL compliant:

- Flood Prevention Scheme. A proposal to build an attenuation system on the Highdown side of the A280. The overall cost was broadly estimated at £1.5m of which Government finance would pay for 50%

and the remainder had to be found 'locally'. The Lead Local Flood Authority has made a request for a contribution from this outline planning application to a flood prevention scheme.

- Footpath Provision: The proposed development includes a footpath link to the PRoW which runs to the west of the application site; together with footpath links onto Arundel Road.

The following schemes are not considered to be CIL compliant for the proposed development as the developer contributions already proposed in the Section 106 Agreement are considered to be sufficient to deliver the requisite infrastructure to accommodate the proposed development.

- Village Centre Public Toilets.
- Village Centre Parking.
- Bus Shelter Installation Project.
- Bus Service Support. Maintain the Number 9 bus service through Angmering.
- Hazard Warning Signs in Angmering;
- New Parish Council Office & Business Hub.
- Play Area Review.
- Mayflower Park Skatebowl, Car Park, MUGA.
- Additional Lighting for Mayflower Park.
- Litter Bins.
- Dog Bins.
- Funding to support the start-up of Angmering Men in Sheds (community space for men to connect, converse and create).
- Village Centre reconfiguration: increase in parking spaces and seating areas.

The A280 Road Link is not considered to be CIL compliant; nor is the scheme for extra parking spaces on Arundel Road. It is considered that the provision of extra parking spaces in this location could compromise the route of the proposed cycle route from the Hammerpot junction on the A27 in the north, running down the length of Arundel Road to Angmering Village Centre.

The draft Section 106 complies with Policy INF SP1 and Policy INF 2 of the Local Plan by ensuring provision of the required infrastructure. A table setting out all of the draft Section 106 Agreement developer contributions is provided at the back of this committee report.

SUMMARY

This outline application considers the development of this site with 160 residential dwellings; 1,393 square metres of industrial floor-space for B1 and B2 uses; and the gifting of 2.1 ha of land to the District Council towards the delivery of the Sports Hub on the Palmer Road Recreation Ground. Access is to be by a new access road to the north serving the residential development and by use of the existing access to the south which serves the existing industrial units on the site, but with some improvements to provide footways. Other matters regarding design, layout, appearance, scale and landscaping would be the subject of a reserved matters application.

The principle of development on this site is contrary to the policies in the development plan. These policies have reduced weight as the Council are not able to demonstrate an adequate supply of housing land. The proposal represents sustainable development and the NPPF presumption in favour of sustainable development is engaged. It is vital to consider additional sustainable housing developments to contribute to housing land supply and maintain/improve housing delivery rates.

This site was previously considered to be deliverable in the HELAA and is bounded to the east by committed residential development and to the south by existing housing off Palmer Road. The development would not result in harm to the character of the countryside.

The material considerations set out in this report are such that in accordance with section 38(6) of the

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Planning and Compulsory Purchase Act 2004, a decision can be taken other than in accordance with the development plan.

There are not any other issues as highlighted above which warrant a refusal on grounds of principle or access. Matters of design will be considered at reserved matters stage.

The recommendation is for the Development Control Committee to delegate to the Group Head of Planning (in consultation with the Chairman and the Vice Chairman) authority to:

Grant planning permission subject to conditions and;

- a) If the grant is on or before 31 March 2020, subject to a Section 106 Agreement, the terms of which are substantially in accordance with those set out in this report with any minor amendments authorised by the Group Head of Planning in consultation with the Chairman and the Vice Chairman; or
- b) If the grant is on or after 1 April 2020, subject to the Community Infrastructure Levy payable.

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.

RECOMMENDATION

APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT

- 1 Details of the appearance, landscaping, layout and scale (hereinafter called 'the reserved matters') shall be submitted to and be approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

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 shall be made to the Local Planning Authority not later than three years from the date of this permission.

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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 before the expiration of 5 years from the date of this permission, or before the expiration of 2 years from the date of the 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 The planning permission relates to the following approved plans:

Drawing Number CSA/3467/108 - Site Location Plan
Drawing Number 2020-F01 Rev. D - Proposed Access Arrangement
Drawing Number 2020-F03 Rev. B - Proposed Secondary Access Arrangement
Drawing Number 2020-F05 Rev. A - Proposed Controlled Crossing

Ecological Mitigation and Enhancement Strategy prepared by CSA Environmental (Ref. CSA/3467/09), dated July 2019.

Reason: For the avoidance of doubt and the interests of amenity and the environment in accordance with Policy D DM1 of the Arun Local Plan.

- 5 Prior to the submission of any reserved matters application a design code masterplan shall be submitted to, and be approved in writing, by the Local Planning Authority.

The design code masterplan will provide further details on matters such as character areas, street hierarchy, building typologies, key buildings, the approach to car parking, structural planting, street furniture, lighting and treatment of the public realm. The development shall be carried out in accordance with the approved design code.

Reason: To enable the Local Planning Authority to control the development in details in the interests of amenity by endeavouring to achieve buildings of visual quality in accordance with Policy D DM1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because the design of the scheme goes to the heart of the planning permission.

- 6 The landscaping and layout particulars to be submitted in accordance with Condition 1 shall include details of the landscape treatment along the northern boundary of the site with Steyne Wood, including measures to deter unauthorised access by motor cycles and motor vehicles to the Wood; and details of the footpath links from the application site into the Sports Hub in accordance with the Development Framework Plan.

Reason: In the interests of amenity and of the environment of the development in accordance with Policy D DM1 of the Arun Local Plan.

- 7 All planting, seeding or turfing comprised in the approved details shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of amenity and of the environment of the development in accordance

with Policy D DM1 of the Arun Local Plan.

- 8 Prior to the commencement, including any works of demolition, a Construction Management Plan shall be submitted for approval in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:

- The anticipated number, frequency, routing and types of vehicles used during construction,
- The method of access and routing of vehicles during construction,
- Full details of the construction compound,
- Soil resources plan,
- Dust mitigation measures,
- Noise reduction measures,
- The parking of vehicles by site operatives and visitors,
- The loading and unloading of plant, materials and waste,
- The storage of plant and materials used in construction of the development,
- The erection and maintenance of security hoarding,
- The provision of effective wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- Details of public engagement both prior to and during construction works.

Reason: For the avoidance of doubt and in the interests of amenity, the environment and highway safety, in accordance with Policy D DM1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because of the need to ensure measures are in place to mitigate the impact of construction works and deliveries on neighbouring residential amenity.

- 9 The hours of operation for the construction works, including deliveries to / from the site, to be limited to 08:00 hours and 18:00 hours on Mondays to Fridays inclusive; 08:00 hours and 13:00 hours on Saturdays; not at any time on Sundays or Bank Holidays except without the express authority of the Local Planning Authority.

Reason: In order to safeguard the amenity of neighbouring residents and highway safety, in accordance with Policy D DM1 of the Arun Local Plan.

- 10 No plant or machinery shall be operated, no process carried out and no deliveries taken or despatched from the Employment/Commercial Centre except between the hours of 07:00 and 18:00 hours on Monday to Fridays inclusive; 08:00 and 13:00 hours on Saturday; not at any time on Sundays or Public or Bank Holidays

Reason: In the interest of neighbouring residential amenity, in accordance with Policy D DM1 of the Arun Local Plan.

- 11 No dwelling and the Employment/Commercial Centre shall be occupied until refuse and recycling bins have been provided and space has been laid out for their storage in relation to that dwelling in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter these areas shall not be used for any purpose other than the storage of refuse and recycling bins.

Reason: In the interests of the amenity of occupiers of nearby properties in accordance with Policy D DM1 and Policy WM DM1 of the Arun Local Plan.

- 12 Prior to the occupation of 80 dwellings on this site, the improvement works at the

A280/A27/Titnore Lane Roundabout junction shall be completed and open to the traveling public as shown on I-Transport's drawing number "ITB9105-GA-024 Proposed Improvement Scheme to A280/A27/Titnore Lane Roundabout" (or such other scheme of works substantially to the same effect, as may be approved in writing by the Local Planning Authority in consultation with Highways England), including any necessary transfer of lands to enable the construction and maintenance of the scheme.

Reason: The modifications have been proposed to provide sufficient capacity at the A280/A27/Titnore Lane Junction, This is to ensure that the A27 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with Section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety, in accordance with Policy T SP1 of the Arun Local Plan.

- 13 Prior to the occupation of 80 dwellings on this site, the proposed improvements to the existing pedestrian crossing points on the A27 shall be completed and open to the travelling public as shown on Croft's drawing number "2020-06 - Proposed Improvements to existing pedestrian crossing points on A27" (or such other scheme of works substantially to the same effect, as may be approved in writing by the Local Planning Authority in consultation with Highways England), including any necessary transfer of lands to enable the construction and maintenance of the scheme.

Reason: To ensure that the A27 continues to be an effective part of the national system of routes for through traffic in accordance with Section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety, in accordance with Policy T SP1 of the Arun Local Plan.

- 14 Prior to the occupation of the first dwelling on this site, details of the pedestrian links to the boundary of the site with the Palmer Road Recreation Ground should be submitted to and be approved in writing by the Local Planning Authority. The approved pedestrian links to the Palmer Road Recreation Ground should be retained thereafter.

Reason: To provide alternative travel options to the use of the car in accordance with Policy D DM1, Policy T SP1 and Policy T DM1 of the Arun Local Plan.

- 15 No more than 80 dwellings shall be occupied until such time that the controlled crossing on Arundel Road, hereby approved, is implemented in accordance with drawing titled proposed controlled crossing (Drawing No. 2020-F05 Rev. A).

Reason: To provide alternative travel options to the use of the car in accordance with Policy D DM1, Policy T SP1 and Policy T DM1 of the Arun Local Plan.

- 16 No part of the residential development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on Drawing No. 2020-F01 Rev. D: Proposed Access Arrangement.

No part of the Employment/Commercial Centre shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on Drawing No. 2020-F03 Rev. B: Proposed Secondary Access Arrangement.

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

- 17 No part of the development shall be first occupied until a detailed Travel Plan, which will cover both the residential and employment uses, has been submitted to and been 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 of Transport or as advised by the Local Highway Authority.

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

- 18 No dwelling shall be occupied until space for that dwelling has been laid out for the parking of cars, motorcycles and cycles in relation to that dwelling in accordance with a drawing and schedule to be submitted to and be approved in writing by the Local Planning Authority. These areas shall thereafter not be used for any purpose other than the parking of cars, motorcycles and cycles.

Reason: In the interests of road safety and to accord with approved policy in accordance with Policy D DM1 of the Arun Local Plan.

- 19 Garages provided on the site shall measure a minimum of 6 metres x 3 metres internally.

Reason: To ensure that adequate and satisfactory provision is made for the parking (and garaging) of vehicles clear of all highways in accordance with Policy D DM1 of the Arun Local Plan.

- 20 No development shall commence until a scheme for the location and installation of fire hydrants has been submitted to and approved in writing by the Local Planning Authority. For the purposes of this condition the scheme shall be in accordance with the Guidance Note: The Provision of Fire Hydrants and an Adequate Water Supply for Fire Fighting as published by West Sussex Fire and Rescue Services (as amended from time to time). No building hereby permitted shall be occupied until the fire hydrant(s) required to serve that building have been installed in accordance with the approved scheme.

Reason: In order to provide adequate infrastructure for emergency services, in accordance with Policy D DM1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because of the need to ensure the safety of residents on the site.

- 21 At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low carbon energy sources (as described in the glossary at Annex 2 of the National Planning Policy Framework). Prior to the commencement of development 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 development shall be implemented in accordance with the approved details and timetable and retained as operational thereafter.

Reason: In order to secure on site renewable energy in accordance with national planning policy, and in accordance with Policy ECC SP2 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because of the need to ensure the provision of decentralised and renewable or low carbon energy sources on the site.

- 22 Prior to the commencement of development, a strategy for the provision of the highest available headline speed of broadband provision to future occupants of the site shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall take into account the timetable for the delivery of 'superfast broadband' (defined as having a headline access speed of 24Mb or more) in the vicinity of the site (to the extent that such information is available). The strategy shall seek to ensure that upon occupation of a dwelling, the provision of the highest available headline speed of broadband service to that dwelling from a site-wide network is in place and provided as part of the initial highway works and in the

construction of frontage thresholds to dwellings that abut the highway. Unless evidence is put forward and agreed in writing by the Local Planning Authority that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure, the development of the site shall be carried out in accordance with the approved strategy.

Reason: To safeguard the amenities of residents in accordance with Policy D DM1 and Policy TEL SP1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because the provision of broadband needs to be incorporated into the design for the site.

- 23 Prior to the commencement of construction and demolition works a Schedule of Works shall be submitted to the Local Planning Authority for approval and will be based on the recommendations within the supporting Ecological Mitigation and Enhancement Strategy. All approved details shall then be implemented in full and in accordance with the agreed timings and details.

The Schedule of Works shall include but not be restricted to:

- Timings for clearance of trees or scrub to avoid impacts on breeding birds;
- Grassland areas managed to benefit reptiles;
- Details of compensatory and additional tree planting;
- Details of compensatory boundary habitat planting and wildflower meadow planting;
- Details and locations of bat, bird, dormouse and invertebrate boxes, and log piles provided on the site;
- Measures to minimise the disturbance of badgers including details of a 20 metre buffer to the badger sett;
- Post development habitat management and dormouse population monitoring will include maintaining hedgerows and planting for the foreseeable future.

Should the detailed layout of the site require the removal of further trees which have the potential to support bats, a climbed tree inspection survey will be required.

Reason: This condition is necessary to ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in line with national guidance and Policy ENV DM4, Policy ENV DM5 and Policy ENV SP1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because of the need to ensure measures are in place to protect wildlife and habitats on site prior to any disturbance.

- 24 Prior to the commencement of development, a scheme for the provision of facilities to enable the charging of electric vehicles to serve the dwellings and the employment premises shall be submitted to the Local Planning Authority for approval in writing and thereafter implemented in accordance with the approved details and the charge points shall thereafter be permanently retained and maintained in good working condition.

Reason: New petrol and diesel cars/vans will not be sold beyond 2040, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with Policy QE DM3 (c) of the Arun Local Plan, the Arun District Council Electric Vehicle Infrastructure Study (November 2017) and the National Planning Policy Framework. It is considered necessary for this to be a pre-commencement condition because of the need to ensure that the infrastructure for electric vehicle charging measures are in place in the residential development and in the industrial development.

- 25 Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved

in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and winter Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage. No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity

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

- 26 Development shall not commence until full details of the maintenance and management of the surface water drainage system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include details of financial management and arrangements for the replacement of major components at the end of the manufacturer's recommended design life. Upon completed construction of the surface water drainage system, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.

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

- 27 Immediately following implementation of the approved surface water drainage system 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 details. The agreed scheme shall thereafter be maintained in perpetuity.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with Policy D DM1 and Policy W DM3 of the Arun Local Plan.

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

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

- 29 Prior to the commencement of construction works details of a proposed foul drainage system shall be submitted to and be approved in writing by the Local Planning Authority (including details of its siting, design and subsequent management / maintenance) and no dwelling shall be occupied until works for the disposal of sewage have been fully implemented in accordance with the approved details.

Occupation of the development is to be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate waste water network capacity is available to adequately drain the development.

Reason: To prevent pollution of water bodies and to ensure the satisfactory drainage of the site and to prevent flooding, in accordance with Policy W DM1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because the site drainage needs to be approved and implemented before the dwellings are occupied.

- 30 Prior to the commencement of development, details of the proposed external lighting for the residential development and the Employment/Commercial Centre on the site shall be submitted and be approved in writing by the Local Planning Authority. The lighting details should include:

- a) Details of Zone E2 (Rural) lighting luminaires (lux levels);
- b) Mitigation measures to minimise potential glare and spillage;
- c) Location of lighting columns;
- d) Design and appearance of lighting columns;
- e) Timings of lighting (reduced coverage between 11.00pm and 7.00am); and
- f) Phasing for the implementation of the scheme.

The approved lighting system shall be implemented in accordance with approved details and be retained thereafter.

Reason: To reduce light pollution, in the interests of amenity and the environment and to satisfy minimum security requirements, in accordance with Policy D DM1 and Policy QE DM2 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because the light levels for the site need to be approved and implemented before the dwellings and the Employment/Commercial Centre are occupied.

- 31 No development shall commence until plans of the site showing details of the existing and proposed ground levels, proposed finished floor levels, levels of any paths, drives, garages and parking areas and the proposed completed height of the development and any retaining walls have been submitted to, and been approved in writing by, the Local Planning Authority. The details shall clearly identify the relationship of the proposed ground levels and proposed completed height with adjacent buildings. The development thereafter shall be carried out in accordance with the approved details.

Reason: To ensure that a satisfactory relationship results between the new development and adjacent buildings and public areas, in accordance with Policy D DM1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition as these details relate to the construction of the development and thus go to the heart of the planning permission.

- 32 Prior to the commencement of development, an Arboricultural Method Statement (AMS) and a Tree Protection Plan shall be submitted for approval in writing by the Local Planning Authority, to both describe and illustrate the mitigation measures which are to be employed to ensure that the trees survive without detriment to their vigour and vitality and are given adequate protection both above and below ground.

Reason: In the interests of amenity and of the environment of the development in accordance with Policy D DM1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because of the need to ensure that trees are protected during the construction of the development hereby approved.

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

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

- 34 At least ten percent (10%) of all dwellings shall be designed and constructed to M4(2) standard and in addition six (6) dwellings shall be designed and constructed to M4(3) wheelchair accessible standard in accordance with 'Access to and use of buildings: Approved Document M'.

Reason: To ensure that dwellings are adaptable and meet the diverse needs of future occupiers in accordance with Policy D DM1 of the Arun Local Plan and Paragraph 61 of the National Planning Policy Framework.

- 35 The employment uses on the Employment/Commercial Centre should be restricted to Use Class B1 and B2. No development within use Class B8 (storage and distribution) uses will be permitted on the site.

The employment uses on the Employment/Commercial Centre shall not exceed 12.0 metres in height to the top of the ridgeline/roofline.

Reason: To protect the environment and mitigate the visual impact of the Employment/Commercial Centre when viewed from the South Downs National Park, in accordance with Policy D DM1 and Policy EMP SP3 of the Arun Local Plan.

- 36 Prior to the occupation of the commercial buildings within the Employment/Commercial Centre, a CCTV strategy (to include details of the location cameras and type of system) shall be submitted to and be approved in writing by the Local Planning Authority. The agreed details shall be implemented prior to first occupation and be retained and maintained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of public safety in accordance with Policy D DM1 of the Arun Local Plan. It is considered necessary for this to be a pre-occupation condition because the site security needs to be approved and implemented before the commercial buildings within the Employment/Commercial Centre are occupied.

- 37 Prior to the commencement of development a further detailed Noise Assessment Report, shall be submitted to and be approved in writing by the Local Planning Authority. The further detailed Noise Assessment Report should demonstrate that the internal and external noise levels of the proposed dwellings will conform to the indoor ambient noise levels for dwellings and external noise levels for amenity spaces ie. gardens, as specified within BS8233:2014, Guidance on Sound Insulation and Noise Reduction for Buildings and Pro PG: 2017. The further detailed Noise Assessment Report should provide specific details of the mitigation measures to be installed on the Employment/Commercial Centre.

Prior to the occupation of the dwellings and the Employment/Commercial Centre any mitigation measures specified in the approved scheme shall be implemented in accordance with the approved details; and retained thereafter.

Post construction validation testing is to be carried out which demonstrates to the satisfaction of the Local Planning Authority that the requirements of the above British Standard, WHO and ProPG guidance and are achieved both in terms of LAeq and LMax.

Reason: To protect the amenity of local residents in accordance with Policy QE DM1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition to ensure that the houses are constructed with the required noise mitigation measures.

38 Prior to commencement of the development hereby approved the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority:

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

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

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

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

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

The scheme shall be implemented as approved above and, prior to commencement of any construction work (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a Verification Report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of that remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. The report shall also include a 'long-term monitoring and maintenance plan' for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification report, and for the reporting of this in writing to the Local Planning Authority.

Reason: To protect the amenity of local residents in accordance with Policy QE DM4 of the Arun Local Plan.

39 No development shall take place 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 Local Planning Authority.

Reason: The site is of archaeological significance in accordance with Policy D DM1 and Policy HER DM6 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because archaeology can only be investigated before construction commences.

40 Prior to the commencement of development hereby approved, a phasing plan identifying all

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phases of development shall be submitted to and be approved in writing by the Local Planning Authority. The phasing plan shall set out how all principal elements of the scheme will be phased. The phasing plan will allow for the completion of the new commercial buildings prior to the demolition of the existing commercial buildings on site. All phases of the development shall be completed and carried out in accordance with the phasing plan.

Reason: To enable the development to be phased so that the new commercial units are completed before the existing units are removed, in accordance with Policy EMP DM1(6) of the Local Plan.

- 41 The development hereby permitted shall be carried out in accordance with the soil handling measures and the proposed use of on-site soils as set out in the 'Soils and Agricultural Quality of Land off Arundel Road, Angmering' Report (Ref. 1671/1), prepared on 21st February 2020 by Land Research Associates.

Reason: To enable the Local Planning Authority to control the development and protect the soil resources on the site, in accordance with Policy SO DM1 of the Local Plan.

- 42 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- 43 INFORMATIVE: The Highways Act 1980 (as inserted via The Infrastructure Act 2015) requires those proposing works affecting the public highway to enter into an agreement with the Strategic Highway Authority (Highways England).

This development involves work to the public highway that can only be undertaken within the scope of a legal Agreement between the applicant and Highways England. Planning permission in itself does not permit these works.

It is the applicant's responsibility to ensure that before commencement of any works to the public highway, any necessary Agreements under the Highways Act 1980 are also obtained. Advice on this matter can be obtained from the Spatial Planning Team, Highways England, Bridge House, 1 Walnut Tree Close, Guildford, Surrey GU1 4LZ. Highways England switchboard Tel. 0300 470 1370. Email: planningse@highwaysengland.co.uk

- 44 INFORMATIVE: The applicant is advised to enter into a Section 59 Agreement under the Highways Act, 1980, to cover the increase in extraordinary traffic that would result from construction vehicles and to enable the recovery of costs of any potential damage that may result to the public highway as a direct consequence of the construction traffic. The applicant is advised to contact the Highway Officer (Tel. 01243 642105) in order to commence this process.

- 45 INFORMATIVE: The applicant is required to obtain all appropriate consents from West Sussex County Council, as Local Highway Authority, to cover the off-site highway works. the applicant is requested to contact the Implementation Team Leader (Tel. 01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

- 46 INFORMATIVE: The applicant is advised that the erection of temporary directional signage should be agreed with the Local Traffic Engineer prior to any signage being installed. The

applicant should be aware that a charge will be applied for this service.

- 47 INFORMATIVE: Any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season which takes place between 1st March - 1st October. If works are required within this time an ecologist will need to check the site before any works take place (with 24 hours of any work).
- 48 INFORMATIVE: The owner(s) of any commercial property (warehouses, offices, etc.) built before 2000 are legally obliged to hold a copy of an asbestos register for each property in their portfolio. As the commercial properties are demolished, the Council need to be satisfied that if any asbestos previously identified is still present, it is removed safely to minimise risk to human health as there is no safe threshold for asbestos exposure. A copy of the asbestos register, and any remedial strategy (where appropriate), must be provided in writing to the Local Planning Authority prior to any works commencing.

Appendix 6: Relevant Appeal Decisions

Appeal Decision

Hearing (Virtual) Held on 22 June 2021

Site visit made on 28 June 2021

by S Edwards BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 September 2021

Appeal Ref: APP/C3810/W/20/3264847

Aldwick House Care Home, 41-45 Nyewood Lane, Bognor Regis PO21 2SJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Jamie Copland (Gatwick Bedsits Ltd) against the decision of Arun District Council.
 - The application Ref BR/86/20/PL, dated 31 March 2020, was refused by notice dated 15 June 2020.
 - The development proposed is demolition of a conservatory and store and the construction of a single storey rear extension along with minor external alterations to the side elevations and the insertion of four roof lights on the rear elevation, comprising part of a change of use from a Class C2 32-bed nursing home to a sui generis 38-bedsit House in Multiple Occupation comprising 24 x single person and 14 x two-person bedsits along with separate shower rooms and wcs.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The revised National Planning Policy Framework (the Framework) published on **20 July 2021 sets out the Government's planning policies for England. Policies** within the Framework are material considerations which should be taken into account for the purposes of decision-making from the date of its publication. The parties were given the opportunity to comment on this matter, and I have had regard to the updated Framework in determining this appeal.

Main Issues

3. The main issues are:
 - The effect of the proposal on the character of the area;
 - The effect of the proposal on the living conditions of neighbouring residents, having particular regard to noise and disturbance;
 - Whether the proposal would provide satisfactory living conditions for future occupiers of the development, with particular regard to outdoor amenity space; and
 - The effect of on-street parking resulting from the proposal on public amenity.
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Reasons

Character

4. Located prominently at the junction between Nyewood Lane and Richmond Avenue, the appeal site once comprised four individual dwellinghouses, which were subsequently altered, extended and amalgamated into a single planning unit. Despite these previous changes and its deteriorating condition, the appeal building retains many historic features, and is regarded by the Council as a non-designated heritage asset.
5. The premises have remained vacant for more than two years, but have last operated as a nursing home for the elderly. As part of the decision to grant planning permission¹ for the change of use from a guest house / private residence to a nursing home, the Council imposed a condition restricting its use to a Class C2 nursing home and for no other purpose. The site lies within a relatively quiet residential area, which includes primarily properties in use as single dwellinghouses, but there are also a number of properties subdivided into flats, purpose-built blocks of flats and Houses in Multiple Occupation (HMO).
6. The appeal scheme would not alter the **building's** external appearance to a significant degree, but the Council is concerned with the intensification of activity which would result from the proposed change of use. Although I understand that the care home provided accommodation for up to 32 residents, limited information setting how the facility operated has been presented. That said, it is likely that elderly residents would have typically led a fairly sedentary lifestyle, and the activity associated with the care home, such as visits from relatives, food deliveries, etc., would have primarily occurred during daytime or early evening hours.
7. Due to the significantly greater number of residents, the proposed development would constitute a far more intensive use, which would result in a quantitative and qualitative change to the nature of activity in the area. The building would be occupied by up to 38 different households and 52 adults, leading independent lives and undertaking separate activities. The occupation of the premises as such a large HMO would generate a greater number and frequency daily comings and goings throughout the day and night, as required by the varying lifestyles and working patterns of the residents.
8. Furthermore, and whilst my attention has been drawn to available permitted development rights, it was confirmed at the hearing that this does not constitute a fallback position, by reason of the condition currently restricting the use of the premises. I appreciate that the premises were previously used as a 32-bed care home for the elderly, which would have generated visits from members of staff and relatives of the residents, as well as from doctors, nurses, hairdressers, etc. However, no substantive evidence has been presented to demonstrate that alternative C2 uses would give rise to a similar or greater level of activity than the proposed Sui Generis 38-bedsit HMO.
9. Whilst there may be scope for the provision of HMO accommodation in a way that would contribute towards meeting the identified need for this type of affordable housing, the scale of the proposed development and the

¹ Local Planning Authority Reference BR/212/91.

intensification resulting from the change of use would fundamentally and detrimentally alter the character of this residential area. The proposal would therefore conflict with Policy H SP4 of the Arun Local Plan² (LP) which, amongst other things, require development proposals not to adversely affect the character of the area.

Living conditions (neighbouring residents)

10. A noise survey³ has been submitted with the appeal documents, which concludes that there would be no demonstrable significant adverse impact as a result of the proposed change of use. As detailed within the national Planning Practice Guidance⁴, the subjective nature of noise means that there is not a simple relationship between noise levels and the impact on those affected.
11. In the present case, and as shown by the representations made by a number of local residents, the effect on amenity here are those of disturbance caused by infrequent noise events or noise in public spaces. However, the noise survey inevitably depicts an incomplete picture of the environment surrounding the appeal site, and does not reflect the occurrences or intensity of episodes of noise disturbance which could affect the living conditions of neighbouring residents.
12. Furthermore, the assessment is predominantly focused on Nyewood Lane, and the noise generated by road traffic. However, the presented evidence provides limited information with regard to the Richmond Avenue frontage, which appears to be distinctly quieter. Although the main entrance to the building is located on Nyewood Lane, it is reasonable to expect, having regard to the layout of the proposal, that there would also be a number of comings and goings onto Richmond Avenue. The use of the outdoor area to the rear of the building is also more likely to affect the living conditions of residents of Richmond Avenue.
13. Despite the restrictions which could be imposed by the tenancy agreement to limit the number of overnight stays for guests, this would not preclude residents from having visitors. This means that the number of people within the appeal premises at any one time could significantly exceed 52, and it is likely that there would be more activity at anti-social hours, compared with the lawful use. To my mind, this would be exacerbated by the lack of communal areas within the fabric of the building, which would increase outdoor socialising at the premises and thus the risk of unacceptable disturbance to nearby residents.
14. I have carefully considered whether the management of the premises would provide an appropriate mechanism to ensure that the character of the area and the living conditions of neighbouring residents would be preserved. It is of note that the appellant has experience in the management of HMOs, which predominantly provide accommodation for individuals in employment.
15. That said, planning permissions are not given directly to specific organisations, and there would be nothing to prevent the premises being disposed of to another HMO provider, be they specific or otherwise. Having regard to the presented evidence, I find that there are no measures which would control comings and goings in a manner that would safeguard the living conditions of

² July 2018.

³ Shaun Murkett Acoustic Consultants Ltd (Report dated 21 November 2020).

⁴ Paragraph: 006 Reference ID: 30-006-20190722.

neighbouring residents whilst not placing an unreasonable burden on the appellant or the intended occupiers of the development.

16. For the foregoing reasons, the appeal scheme would cause unacceptable harm to the living conditions of neighbouring residents, with particular regard to noise and disturbance. It would therefore fail to accord with LP Policy QE SP1 which, amongst other things, requires that development proposals contribute positively to the quality of the environment and do not have a significantly negative impact upon residential amenity.

Living conditions (future occupiers)

17. The existing building, which has been subject to a number of alterations and extensions, occupies a substantial part of the appeal site. Whilst the appeal scheme would not change the footprint of the building significantly, it is of note that there would be large refuse and cycle storage areas along the boundary shared with Bickleys Court. This would leave very limited space for the provision of usable outdoor amenity space for future occupiers of the development.
18. Having regard to the number of residents who could be potentially living on the appeal site and the lack of communal areas internally, the size of the outdoor amenity area would be wholly inadequate to meet the day-to-day needs of future occupiers of the development. Whilst the appeal site lies within walking distance of the seafront and open spaces, this would not appropriately compensate for the paucity of on-site provision, particularly given the number of residents which would be affected by it. Furthermore, public spaces do not provide the same convenience that a private amenity space or garden would offer, as residents may for example wish to dry clothes outside or have a barbecue at home.
19. Overall, I find that the appeal scheme would fail to provide satisfactory living conditions for future occupiers of the development, with particular regard to the provision of outdoor amenity space, and this weighs further against the proposal. The development would therefore conflict with LP Policy H SP4, which notably requires that HMOs are provided with adequate areas of open space.

Parking

20. The appeal scheme includes the provision of 40 cycle parking spaces, which would be accommodated within two large, secure shelters. However, there would be no on-site car parking as part of the proposal, and the Local Planning Authority, sharing the concerns raised by many residents, considers that the development would generate excessive parking demands, which would be detrimental to the amenity of the locality.
21. Although my observations can only represent a snapshot of normal highway conditions, I noted that there were some spaces available within relative proximity to the appeal site, despite several of the surrounding roads being subject to parking restrictions. That said, as I visited the site in the afternoon on a weekday, it is reasonable to expect that by the evening, there would be an increase in on-street parking over and above what I saw at the time of my site visit.
22. Census data suggest that the proportion of vehicle drivers in the Bognor Regis area is relatively low. Having regard to the nature of the development, its

proximity to the town centre and the availability of alternative modes of transport to the private car, the Local Highway Authority accepts that in the worst case scenario, the appeal scheme would give rise to a demand for 30 parking spaces. Additionally, the appellant has carried out car ownership surveys of residents of other Gatwick Bedsits properties, which suggest that these HMO uses generate a relatively low parking demand.

23. **The appellant's submissions are also supported by surveys of on-street parking availability within approximately 200 metres of the appeal site, which were carried out in February and September 2020, using the Lambeth Parking Survey Methodology. The Local Highway Authority undertook its own survey in June 2020, and raised no objection to the proposed development. There is no doubt that the appeal scheme would increase the level of on-street parking but as confirmed by the surveys carried out by the main parties, there appears to be sufficient on-street capacity to accommodate the parking demand within 200 metres of the site.**
24. A number of measures, as set out within the submitted Travel Plan, would assist further to reduce the number of single occupancy car movements to and from the development and encourage the use of alternative modes of transport to private motor vehicles. The provision of secure cycle parking would also assist to minimise the demand for on-street parking.
25. For these reasons, the effect of on-street parking resulting from the proposal on public amenity is considered acceptable, and I therefore find no conflict with LP Policies H SP4 and T SP1 in that regard. Policy H SP4 notably seeks to ensure that HMOs do not contribute to the generation of excessive parking **demands or traffic in the area. Policy T SP1 sets out the Council's and Local Highway Authority's requirements to ensure that the transport implications of development proposals are carefully addressed and justified, but also mitigated where considered necessary.**

Other Matters

26. My attention has been drawn to several HMOs which have been granted planning permission in recent years, within proximity to the appeal site, as well as a number of appeal decisions in the area administered by the Council. In respect of the change of use to at no 120 Aldwick Road⁵, it is clear that the **provision of accommodation for Butlin's members of staff and the mitigation measures that were proposed were afforded significant weight. It is also of note that this application was approved at a time when LP Policy H SP4 did not form part of the development plan and was therefore afforded very limited weight. The planning application at no 26 Nyewood Lane⁶ sought permission for the change of use of a C3 dwellinghouse to an 8-bed HMO, which is considerably different to the appeal proposal. I therefore find that the circumstances of these various schemes do not constitute a direct parallel to the appeal development, thus limiting the weight which I have ascribed to them.**
27. Throughout the hearing, comparisons were also made between the appeal proposal and other HMOs managed by Gatwick Bedsits Ltd. As I have visited the site in Crawley, I was able to observe that the 27-bedsit property benefits

⁵ Local Planning Authority Reference BR/100/16/PL.

⁶ Local Planning Authority Reference BR/141/18/PL.

from off-street car parking provision, and lies in an area of mixed character just off the High Street, as well as within proximity to a busy road and a large supermarket. These premises clearly have different characteristics to the appeal site, and are subsequently considered of limited relevance to the proposal before me.

28. The appeal site lies within proximity to Pagham Harbour Special Protection Area (SPA). This area is recognised by the Habitats Regulations as being of international importance for supporting significant numbers of overwintering bird species. It is agreed by the main parties that the proposed development could have a likely significant effect on the integrity of this sensitive area (either individually or in combination with other plans or projects) notably by reason of additional recreational pressures, unless suitable mitigation is provided.
29. In accordance with LP Policy ENV DM2, all new residential development and development proposals which are likely to have an impact on Pagham Harbour are required to make a financial contribution towards mitigation measures, which are normally secured through the completion of a planning obligation. A Unilateral Undertaking pursuant to Section 106 of the Town & Country Planning Act 1990 has been submitted by the appellant during the course of the appeal to provide a financial contribution towards the agreed strategic approach to access management at Pagham Harbour.
30. As I am dismissing this appeal on other substantive grounds, this is not a matter which needs to be considered further here. However, had the development been considered acceptable in all other respects, I would have sought to undertake an **Appropriate Assessment**, to ensure the proposal's compliance with Habitats Regulations.

Planning Balance

31. The Council is presently unable to demonstrate a five-year supply of deliverable housing sites, and the extent of the shortfall has increased since the adoption of the Arun Local Plan in July 2018. The Housing Delivery Test figures published by the Government also reflect the difficulties currently experienced by the Council with the provision of additional housing.
32. Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, paragraph 11d) of the Framework states that planning permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
33. As detailed within the Framework⁷, due weight should be given to policies in existing plans, according to their degree of consistency with the Framework. Whether a policy becomes out-of-date is a matter of pure planning judgment, and the Courts have confirmed that the basket of policies from the development which constitute those most important for determining the application therefore needs to be identified.
34. In this particular instance, LP Policies SD SP2, H DM1, H SP4, D SP1, D DM1, D DM4, T SP1, QE SP1 and HER DM2 are considered to be the most important

⁷ Paragraph 219.

for determining the application. LP Policy SD SP2 is in broad conformity with the Framework, in that it aims to focus development in the most accessible and sustainable parts of the District. Policies H DM1 and H SP4 are also consistent with the Framework, as they seek to ensure that the housing needs identified in the area administered by the Council are met over the plan period.

35. The Framework places a strong emphasis on the need for high quality design and protect heritage assets, which are identified as irreplaceable resources. In that regard, the design aims of LP Policies D SP1, D DM1, D DM4 and QE SP1, and the objectives of LP Policy HER DM2, which seeks to protect the buildings making a positive contribution to local distinctiveness, are considered to be in broad conformity with the Framework. Furthermore, LP Policy T SP1 is not considered out-of-date, due to its degree of consistency with the Framework, as it seeks to promote sustainable means of travel whilst ensuring that appropriate levels of parking are secured as part of new developments.
36. I therefore find that the basket of the most important policies for the determination of the appeal scheme which I have identified above, taken as a whole, is not out-of-date, and the tilted balance as set out in paragraph 11d) of the Framework is not engaged in this instance.
37. There is no doubt that the appeal site lies within a sustainable and accessible location. A number of other benefits associated with the proposed change of use have been identified. The appeal scheme would support the local economy and also bring back into use a non-designated heritage asset, which has now remained vacant for approximately two years. Furthermore, the appeal scheme would assist with addressing an acute housing need. These factors weigh in favour of the appeal scheme.
38. However, and whilst the premises remain currently vacant, the proposal would also lead to the loss of a facility providing residential accommodation. This limits the weight which can be afforded to this consideration, notably as the LP insists on the need to provide housing for older people over the plan period. Furthermore, I have found that there would be significant harm resulting from the effect of the change of use on the character of the area, the living conditions of neighbouring residents and the living environment that would be provided for future occupiers.

Conclusion

39. For the reasons detailed above, the benefits associated with the proposal would not outweigh the identified harm, and there are no material considerations, which indicate that the appeal should be determined, other than in accordance with the development plan. The appeal is dismissed.

S Edwards

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Jamie Copland	Appellant
Rebecca Clutten	Counsel, FTB Chambers
Tim North	Planning Consultant, Tim North Associates
Caroline Mumford	Consultant, PFA Consulting

FOR THE LOCAL PLANNING AUTHORITY:

Maria Tomalova	Senior Planning Officer, Arun District Council
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INTERESTED PERSONS:

Phillip King (observing)

Appeal Decision

Site visit made on 20 January 2020

by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 25 February 2020

Appeal Ref: APP/C3810/W/19/3234972

Clays Farm, North End Road, Yapton BN18 0DT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Domusea Developments Ltd against the decision of Arun District Council.
 - The application Ref Y/62/18/OUT, dated 12 July 2019, was refused by notice dated 28 June 2019.
 - The development proposed is described as residential development comprising 33 no. units, access, landscaping and associated works.
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Decision

1. The appeal is allowed and outline planning permission is granted for residential development comprising 33 no. units, access and associated works, at Clays Farm, North End Road, Yapton BN18 0DT, in accordance with the terms of the application ref Y/62/18/OUT, dated 12 July 2019, and the conditions set out in the schedule at the end of this decision.

Procedural Matters

2. The application was made in outline with permission sought for access, and details of landscaping, scale, layout and appearance reserved for future consideration. Insofar any of these details have been shown on the submitted plans I have therefore treated them as indicative.
3. The description of development includes 'landscaping', despite this being listed as a reserved matter. As the appellant has confirmed that the scope of the application does not include landscaping, and given that this was the basis upon which the Council assessed the application, I have omitted this from my decision above.
4. The Council cited Policy H1 of the Yapton Neighbourhood Plan 2014-2029 (the NP) in its decision, however it has confirmed that this was an error and that Policy E1 should have been referred to instead. Policy E1 is however partly interpreted with reference to Policy H1, and the appellant has considered both. Therefore no prejudice will arise through my consideration of Policy E1 of the NP as requested by the Council.
5. The Council confirmed during the appeal process that it no longer wished to defend its decision given that it had resolved to approve a resubmission of the same scheme subject to submission of a planning agreement (S106). I have been provided with no indication of whether this subsequently occurred. A

S106 has however been submitted in relation to the appeal scheme, which I have considered within my reasons below.

6. An application for costs was made by Domusea Developments Ltd against Arun District Council. This application is the subject of a separate Decision.

Main Issue

7. The main issue is the effect of the development on agricultural land.

Reasons

8. When the Council determined the application it considered that the site was Grade 1 agricultural land. It has however conceded at appeal that the site should be classified as Grade 2 agricultural land. This is nonetheless land of very good quality on which a wide range of agricultural and horticultural crops can usually be grown.
9. Policy SO DM1 of the Arun Local Plan 2011-2031 Adopted 2018 (the LP) prevents the use of Grades 1, 2 and 3a of the Agricultural Land Classification for any form of development other than agriculture, horticulture or forestry unless it meets a number of criteria. None are applicable in this case. Policy SO DM1 of the LP is broadly consistent with paragraph 170(a) of the National Planning Policy Framework (the Framework), which states that both policies and decisions should contribute to the protection and enhancement of soils, and footnote 53 of the Framework, which states that in relation to development of agricultural land, areas of poorer quality should be preferred to those of a higher quality.
10. The site largely consists of the rectangular plot of land currently subdivided as horse paddocks. The equestrian use of the site appears to be well established, and is supported by a number of buildings including stables. The land is not therefore currently in use for the growing of crops, and the appellant further states that it has not been used for agricultural purposes for more than 40 years. This is not disputed by the Council.
11. Land towards the east of the site is in use for growing crops. There appears to be nothing in principle preventing cultivation of the site itself, and the current equestrian use makes no fundamental difference to the grade of the soil. I have however been provided with no reason to believe that cultivation of the site would be likely in the event that the appeal was dismissed. Whilst this does not in itself justify the loss of the land, it does act to reduce the level of environmental and economic harm that would be caused by its development. In this regard I consider that the development would cause moderate harm in each regard due to the loss of Grade 2 agricultural land.
12. I acknowledge that sites to the north and south which appear to be in uses similar to that of the appeal site, and whose soil is of the same grade, have been recently approved for development. Whatever the justification was in these cases however, these approvals do not provide direct justification for the loss of Grade 2 agricultural land which would occur on the appeal site.
13. I note that Policy SO DM1 of the LP additionally states that development will not be permitted unless it is supported by a soil resources plan, and associated appraisal and mitigation measures. The Council has indicated that these can be secured by condition, and I agree. This would not however alter the level of

harm that would be caused by the development given that the land would no longer be available for agricultural use.

14. As set out above, the Council intended to cite Policy E1 of the NP in its decision, which states that planning permission will be refused for development on Grade 1 and Grade 2 agricultural land unless meeting one of the exceptions it outlines. One of these is conformity with Policy H1 of the NP, which was itself cited in the decision, and which sets out the local housing requirement.
15. The parties disagree over whether or not the local housing requirement figure of '100' set out in Policy H1 should be considered fixed. In my view the policy cannot be properly interpreted unless it is treated as a baseline given that it goes on to reference a '20% buffer'. In any case the policy allows for a development above and beyond this 20% buffer subject to its impact on Yapton CS Primary School (the PS).
16. In this regard the County Council (CC) states that a financial contribution would be required towards both the PS and a local secondary school in order to mitigate increased demands. This has been calculated by assessing the capacity of the schools, the projected population increase based on committed developments, the costs of provision per pupil, and pupil yield by dwelling type. It would be finalised once the number of dwellings has been fixed, and the likely level of occupancy is known. The contribution would be utilised to expand and improve the 2 schools, each of which is likely to be used by future occupants of the development. I am therefore satisfied that the requested contribution would pass the tests set out in paragraph 56 of the Framework and paragraph 2 of Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) (the relevant tests). Thus the development would not conflict with Policy E1 of the NP.
17. For the reasons outlined above I nonetheless conclude that the development would cause moderate harm due to the loss of Grade 2 agricultural land, which would conflict with Policy SO DM1 of the LP, whose terms are outlined above.

Other Matters

Location

18. The Council's committee report states that the location of the development would conflict with Policy SD SP2 of the LP, which seeks to direct development to within built-up area boundaries (BUABs). It also identified conflict with Policy C SP1 of the LP, which requires that development outside BUABs meets the requirements of other LP policies.
19. The Committee report however notes that the site is largely bounded by the BUAB. It also notes that the development would cause no harm to the character and appearance of the area, and that the location is sustainable with regard to access to schools, shops and services by means other than the car. In these terms, development within the location in question would cause no identifiable harm. Whilst the report goes on to consider other matters, the absence of harm clearly indicated that development at the location in question would be acceptable despite conflict with the above policies.
20. This matter was not subsequently revisited in the context of the Council's refusal of planning permission, and does not form a reason for refusal. It is also not otherwise specifically covered within the Council's appeal statement.

As such, I consider that the Committee Report represents the **Council's position** on this matter. This indeed appears to be borne out by the **Committee's** subsequent resolution to approve the resubmitted application. Either way I see no reason to reach a different view regarding the suitability of the location, particularly on account of its good physical and spatial relationship with the broader settlement, and approval of other developments to the north and south of the site. Insofar as the Parish Council (PC) has nonetheless drawn attention to Policy BB1 of the NP, which restricts development outside BUABs, this policy defers to Policy H1 of the NP, compliance with which has been established above.

Affordable housing, public open space and local services

21. Policy AH SP2 of the LP sets out a requirement for 30% of dwellings on developments of more than 11 units to be affordable, in accordance with a tenure split also set out within the policy. Figures from March 2019 show that there were 922 households on the Council's **housing register, indicating a high** level of local need for affordable housing, and thus justifying the level sought. The provision of 30% affordable housing has been secured within the submitted S106, which I am satisfied passes the relevant tests.
22. Policy OSR DM1 of the LP sets out a requirement for developments to contribute towards open space provision. This policy has been interpreted with reference to guidance produced by Fields in Trust (FIT) rather than local guidance, given that the latter is itself based on superseded guidance produced by FIT. In this regard the size of the development generates a need for LAP and LEAP provision, as well as a minimum level of outdoor space. Scope exists for this space to be identified through clearance of the reserved matters, but the provision and status of public space would itself be secured by the S106, which additionally sets out arrangements for its transfer and the linked payment of a maintenance contribution. Public open space within the development would make a necessary contribution to the health and wellbeing of its future occupants. I am therefore satisfied that these provisions of the S106 pass the relevant tests.
23. Policy INF SP1 of the LP sets out the requirement for proposals to provide or contribute towards the infrastructure and services needed to support development. On this basis the CC has indicated a requirement for the scheme to make financial contributions towards education and library provision within the area, and towards the fire and rescue service. The NHS has additionally indicated a requirement for a financial contribution towards local health service provision.
24. The financial contribution towards local education provision has been considered above. The library contribution has been calculated on the basis of the costs of meeting the recommended level of library provision by population, using a formula much the same as that employed for the education contribution. The contribution would be spent on the library in Arundel, which serves the locality and which would be likely to see use by future occupants of the development. I am thus satisfied that the contribution passes the relevant tests.
25. The CC has calculated the fire service contribution on the basis of cost-per head of capital and infrastructure projects, again providing a formula for the level to be finalised at the point the future composition of the development is

fixed. The CC has indicated that the contribution would be spent on projects in the parish, making specific reference to anti-ventilation and ultra high pressure equipment. Its use would serve future occupants of the development as members of the broader community. I am therefore satisfied that the contribution passes the relevant tests.

26. The NHS has calculated the healthcare contribution based on the costs of servicing the need generated by the future occupants of the development, understood in terms of the resulting surgery space requirements. Unlike CC contributions, the healthcare contribution has been calculated on the basis of the composition of the development as indicated within the application. Though this could in theory change, I have been provided with no indication that this is likely. The contribution would be spent on improving facilities at the GP's Surgery serving the area within which the development would be located, and thus again likely to be used by future occupants. I am therefore satisfied that the contribution passes the relevant tests.
27. The S106 also sets out arrangements for the provision, management and/or adoption of roads with the development, and payment of a monitoring fee. Notwithstanding the potential to address road construction standards by condition, and the operation of other legislation in relation to adoption, I am satisfied that provisions relating to roads provide additional security, and so pass the relevant tests. I also see no grounds to question compliance of the monitoring fee with the specific tests set out in paragraph 2A of Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended).

Prematurity

28. The PC states that the application is premature and should be considered in the context of an updated NP. The Council does not share the PC's concern. Having regard to paragraph 49 of the Framework, which sets out the basis upon which refusal can be justified on grounds of prematurity, I see no reason to reach a different view.

Protected species

29. The presence of slow worms, which are a protected species, has been detected on site. A survey has however been undertaken which outlines mitigation measures. As these can be secured by condition, I am satisfied that no unacceptable harm would arise as a result of the development.

Other concerns

30. Interested parties have raised concerns regarding the adverse effects of increased traffic related to the development. The Highways Authority does not share these concerns. Furthermore, off-site highways improvements have been identified which can be secured by condition, as too the installation of charging points for electric vehicles, which will help to encourage use of less polluting vehicles. I am therefore satisfied that no unacceptable harm would arise in relation to increased traffic and road use.

Presumption in favour of sustainable development

31. Within the context of the national objective of significantly boosting the supply of homes set out in paragraph 59 of the Framework, the Council accepts that it lacks a demonstrable 5-year supply of deliverable housing sites. Indeed, the

supply is acknowledged to have fallen to 3.7 years. Therefore the policies most important for determining the application are out-of-date, and planning permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, or if specific policies within the Framework that protect areas or assets of particular importance provide clear reasons for refusal.

32. In this case the policies most important for determining the application are Policies SO DM1, AH SP2, OSR DM1, and INF SP1 of the LP, whose terms are broadly consistent with the Framework. However, no policies within the Framework that protect areas or assets of particular importance are applicable. **The 'tilted balance' set out in paragraph 11(d) of the Framework is therefore engaged.**
33. The development would provide up to 33 dwellings in a sustainable location, previously identified by the Council as a deliverable housing site. This would **make a modest contribution towards the Council's shortfall, whilst additionally** helping to address recent poor performance in housing delivery, consistent with the published Action Plan. The related social and economic benefits collectively attract moderate weight in favour of the scheme. Loss of Grade 2 agricultural land would cause moderate harm, to which I have also attached moderate weight. Consequently, the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits. Paragraph 11 of the Framework therefore indicates that permission should be granted.

Conditions

34. The Council has requested a range of conditions which I have considered in light of the guidance set out in the Framework and Planning Practice Guidance, and with regard to the definitions of the reserved matters set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).
35. I have imposed standard conditions setting out the time limit for the commencement of development, the procedure and time limit for approval of the reserved matters, and identifying the approved plans for sake of certainty.
36. In this context the Council has suggested a 2 year period within which an application for approval of the reserved matters must be made rather than the standard 3 year period. Whilst Section 92 of the Town and Country Planning Act 1990 (as amended) allows for this, in this instance the Council has provided no explanation of why a reduced period is necessary. In the absence of such justification I have imposed the standard 3 year time limit.
37. Condition 6 provides clarification of matters to be addressed within the context of the reserved matter of landscaping. This is necessary in order to ensure that any retained trees and hedges are protected during the course of construction. I have not imposed conditions relating to boundary treatments, as these fall within the scope of the reserved matters, or required submission of a landscape management plan, as open space management is covered within the S106.
38. Condition 7 requires the development to be carried out in accordance with the Reptile Presence/Absence Survey Report dated May 2019, and the ecological enhancements set out within the Preliminary Ecological Appraisal Report dated 2 July 2018 (the EA). This is in order to mitigate the impact of the development

- on protected species and biodiversity. I not however imposed a separate condition restricting works during the nesting season, as this is covered in the EA and otherwise addressed by separate legislation.
39. Condition 8 requires the provision of a soil resources plan and is required in order to help mitigate the adverse impact of the development on the high quality soil the site contains.
40. Condition 9 requires the approval and implementation of a scheme of archaeological investigation, and is necessary given the identified potential of the site to contain archaeological features. It is necessary for this to be a pre-commencement condition as the process of developing the site may destroy the archaeology present within it.
41. Condition 10 draws together a number of suggested conditions related to site drainage, requiring details of the design of a scheme of surface water drainage, and its subsequent provision, verification and management. This condition is required in order to ensure adequate drainage of the site. Though I note that a scheme has been drawn up within the submitted drainage report, the layout on which this is based is at this stage indicative. A pre-commencement condition is required as drainage requirements will need to be addressed from the outset. I have not imposed a condition requiring foul drainage arrangements to be approved, as, notwithstanding the need for network reinforcement, I have not been provided with any reason to believe that the development could not or would not be connected to the sewer network. This is a matter which can be separately addressed between the developer and Southern Water.
42. Condition 11 requires the approval of a Construction and Environmental Management Plan (CEMP). This in part meets the requirements of Highways England, and is necessary in order to limit the scope for adverse impacts on adjacent roads and residents in the surrounding area. As this condition covers hours of work, I have not imposed a separate condition relating to this matter. A pre-commencement condition is required as impacts addressed within the CEMP will begin to arise from the point of commencement.
43. Condition 12 requires the site access and visibility splays to be provided prior to other construction works being commenced. This is necessary in order to ensure safe access to the site during the course of construction.
44. Condition 13 requires the provision of electric vehicle charging points at each dwelling according to an approved scheme, a basis for which is provided by Policy QE DM3 of the LP. This is necessary in order to secure a high level of environmental sustainability, helping to limit air pollution. I have not included a requirement to permanently retain and maintain the points, as, aside from being impractical to enforce, this requirement would make no allowance for potential changes in technology.
45. Condition 14 sets out a requirement for 10% of the future energy needs of the development to be met by decentralised, renewable and low carbon energy supply systems. This requirement is set out in Policy ECC SP2 of the LP, and allowed by the Planning and Energy Act 2008. It is again required in order to secure a high level of environmental sustainability. I have not included a retention or maintenance clause as again this would be difficult to enforce, and would make no allowance for changing technology. I have also not included the **alternative 'fabric first' approach** suggested by the Council, as the relevant

policy requires no more than conformity with current standards. These are set out within the Building Regulations.

46. Condition 15 sets out a requirement for details of the way in which the development will be connected to the broadband network to be agreed and implemented. This reflects the requirement of Policy TEL SP1 of the LP and is necessary in order to ensure access to high quality communications.
47. Condition 16 sets out a requirement for 25% of any 1, 2 or and 3 bed dwellings within the development to be designed to comply with Building Regulations optional requirement M4(2) (accessible and adaptable dwellings). This is instead of the 'Lifetimes Homes' standard referenced by Policy H3 of the NP, taking into account the instruction within the 25 March 2015 Written Ministerial Statement dated, to interpret policies relating to access by reference to nearest equivalent national technical standard.
48. Condition 17 is imposed in order to require off-site highways improvements, the deliverability of which has not been questioned by either party. This condition has been requested by Highways England, and is required in order to mitigate the effects of increased use of the A27 arising from the development.
49. I have not included a condition relating to contamination, as no evidence has been provided that the land is contaminated, or therefore that such a condition is necessary. There is also no necessity for a detailed condition relating to the provision of lighting, as this falls within the reserved matter of appearance, or to require details of security measures. Whilst security is partly addressed within the Building Regulations, I see no reason why broader design-based security considerations cannot otherwise be assessed through clearance of the reserved matters.

Conclusion

50. Exercising my duty under section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended), for the reasons outlined above, I find that material considerations, including paragraph 11 of the Framework, indicate that in this case my decision should be made other than in accordance with the development plan. I conclude therefore that the appeal should be allowed.

Benjamin Webb

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) Details of appearance, scale, layout and landscaping, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place, and the development shall be carried out as approved.
- 3) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 4) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 5) The development hereby permitted shall be carried out in accordance with the following approved plans: 100 Rev P01; and Figure 4.1 in the Transport Statement dated July 2018.
- 6) Details of landscaping submitted in relation to Condition 2 shall include the identification of all existing trees and hedgerows on the land that are to be retained, and how they will be protected during the course of the construction of the development hereby permitted.
- 7) The development hereby permitted shall be carried out in accordance with the reptile mitigation statement set out within the Reptile Presence/Absence Survey Report dated May 2019, and the recommendations for enhancement set out within the Preliminary Ecological Appraisal Report dated 2 July 2018.
- 8) The development hereby permitted shall not commence until a Soil Resource Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved Plan.
- 9) The development hereby permitted shall not commence until a programme of archaeological work has been implemented in accordance with a written scheme of investigation which has first been submitted to and approved in writing by the Local Planning Authority.
- 10) Prior to the commencement of the development hereby permitted, a scheme of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. Before any details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system having regard to Defra's non-statutory technical standards for sustainable drainage systems, the hierarchy of surface water disposal systems as set out in Approved Document H of the Building Regulations, and **guidance within CIRIA's SuDS Manual (or any subsequent versions)**, and the results of the assessment shall have been provided to the Local Planning Authority. Details submitted with the scheme of surface water drainage shall include:
 - a) a timetable for its implementation, including arrangements for verification of the scheme by an independent engineer to the Local Planning Authority, **upon the scheme's completion; and,**
 - b) a management and maintenance plan for the lifetime of the development, which shall include details of arrangements for adoption by any public

authority or statutory undertaker, and/or any other arrangements to secure the operation of the scheme throughout its lifetime.

The approved scheme of surface water drainage shall be provided in accordance with the approved timetable, and shall thereafter managed and maintained in accordance with the approved management and maintenance plan.

- 11) The development hereby permitted shall not commence until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall provide details of:
- a) the anticipated number and types of vehicle to be used in relation to the development, and the frequency of their movements into and out of the site;
 - b) arrangements, including locations, for the parking of vehicles used by site operatives and visitors during the course of the development;
 - c) arrangements, including locations, for the loading, unloading and storage of plant, materials and waste related to and generated by the development;
 - d) arrangements, including locations, for the erection of security hoarding;
 - e) measures required to mitigate the impact of construction upon the public highway, including the provision and location of wheel washing and other facilities;
 - f) measures to be employed to minimise the emission of noise (including vibration), dust and dirt generated during construction, including hours and days of work;
 - g) floodlighting, including location, height, type and direction of light sources and intensity of illumination; and
 - h) a scheme for recycling/disposing of waste resulting from demolition and construction works.

The development shall then be carried out in accordance with the approved CEMP.

- 12) The site access and visibility splays shall be provided in accordance with the details shown on the plan numbered Figure 4.1 in the Transport Statement dated July 2018 prior to any other construction works being undertaken on the site in relation to the development hereby permitted. The splays shall thereafter be retained and kept free of obstructions over a height of 0.6m above the adjoining carriageway level at all times.
- 13) Prior to the first occupation of any of the dwellings hereby permitted, a scheme detailing the provision of facilities to enable occupants to charge electric vehicles shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a timetable for its implementation. The scheme shall then be implemented in accordance with the approved timetable.
- 14) Prior to the first occupation of any of the dwellings hereby permitted, a scheme detailing measures to provide 10% of the predicted future energy use of the development from decentralised, renewable and low carbon energy supply systems, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a timetable for its implementation. The scheme shall then be implemented in accordance with the approved timetable.
- 15) Prior to construction of any of the dwellings hereby permitted above damp proof course level, a scheme specifying the way which the development will be connected to the broadband network shall be submitted to and agreed in

writing by the Local Planning Authority. The scheme shall explain how the specification has taken into account the timetable for delivery of and future access to superfast broadband within the local area. The approved scheme shall then be implemented in accordance with a timetable which has first been submitted to and agreed in writing by the Local Planning Authority.

- 16) Twenty-five percent (25%) of the total number of 1, 2 and 3 bed dwellings within the development hereby permitted shall be designed and then constructed to comply with Building Regulations optional requirement M4(2) (accessible and adaptable dwellings).
- 17) Prior to the first occupation of the seventeenth dwelling within the development hereby permitted, improvement works at the junction of the A27 and Yapton Lane shown on i-Transport's drawing number ITB11324-GA-014 Rev C "Proposed extension to A27 Yapton Lane right turn" dated 30/8/17, shall be completed and open to the public.

Costs Decision

Site visit made on 20 January 2020

by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 25 February 2020

Costs application in relation to Appeal Ref: APP/C3810/W/19/3234972
Clays Farm, North End Road, Yapton BN18 0DT

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Domusea Developments Ltd for a full award of costs against Arun District Council.
 - The appeal was against the refusal of the Council to grant planning permission for development described as residential development comprising 33 no. units, access, landscaping and associated works.
-

Decision

1. The application for an award of costs is dismissed.

Procedural matter

2. The applicant has applied for a full award of costs but in doing so has individually listed a number of items. A full award of costs however, necessarily relates to all costs incurred in the appeal process. It is on this basis that I have **considered the applicant's claim**.

Reasons

3. The Planning Practice Guidance advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
4. The applicant claims that the Council has acted unreasonably on grounds which I summarise as:
 - a) failure to substantiate the reason for refusal of planning permission, and making vague, generalised or inaccurate assertions about the need to protect best and most versatile agricultural land; and
 - b) preventing or delaying development which should clearly be permitted.
5. With regard to Ground (a), the Council refused planning permission on the basis of loss of agricultural land. This was on the understanding that land within the site was classified at Grade 1. The land was subsequently shown to fall within Grade 2. This misidentification was partly a product of inaccuracies within the available evidence, including the Yapton Neighbourhood Plan. However, whilst the difference indicates that the land is of lesser quality, it does not alter the **scheme's** conflict with Policy SO DM1 of the Arun Local Plan 2011-2031 Adopted 2018 (the LP), as this applies equally to land falling within Grades 1, 2 and 3a.

6. Policy SO DM1 of the LP is broadly consistent with national policy s set out within the National Planning Policy Framework (the Framework). Here paragraph 170(a) of the Framework states that decisions should contribute to protecting and enhancing soils in a manner commensurate with their statutory status or identified quality in the development plan. As such, aside from the **scheme's** obvious conflict with Policy SO DM1, regardless of whether the land is Grade 1 or Grade 2, the reason for refusal was consistent with objectives clearly set out at both local and national level. For these reasons, I do not accept that the Council failed to substantiate its reason for refusal of planning permission, or that it made vague, generalised or inaccurate assertions about the need to protect best and most versatile agricultural land. Ground (a) therefore fails.
7. The applicant principally rests Ground (b) on the operation of paragraph 11 of **the Framework, given the Council's** acknowledged lack of a demonstrable 5-year supply of deliverable housing sites (5YHLS). In this context the applicant incorrectly states that permission should only be refused where policies set out in footnote 6 of the Framework apply. This is because, where footnote 6 polices **do not apply, or they do not provide clear reasons for refusal, the 'tilted balance' set out in paragraph 11(d)(ii) is then engaged. It is then for the** decision maker to apply weight to the relevant considerations as they see fit in undertaking the balancing exercise.
8. The applicant draws attention to the fact that the Members resolved to refuse planning permission against officer advice. However, as Members are not bound to follow the recommendations of their officers, this was not in itself unreasonable. The fact that officers subsequently recommended approval of a 'duplicate' application is also not unreasonable. This is because officers were been generally consistent in their recommendations.
9. I note the fact the members have subsequently resolved to approve the duplicate application, reversing their previous stance. In doing so the revised classification of the land has been taken into account, alongside a sharp fall in the level of the Council's 5-year supply of deliverable housing sites. In each regard therefore the assessment has involved evidence and circumstances which were either not available or not applicable when the current application was determined. As such the weight applied to these considerations could reasonably differ from that applied when the appeal scheme was assessed, so too therefore could the outcome of any balancing exercise. As such I do not agree that the Council prevented or delayed development which should clearly have been permitted. For this and the above reasons Ground (b) fails.

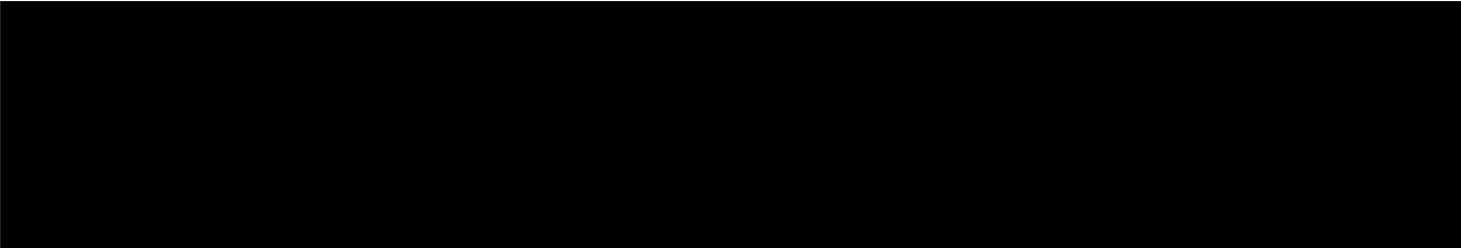
Conclusion

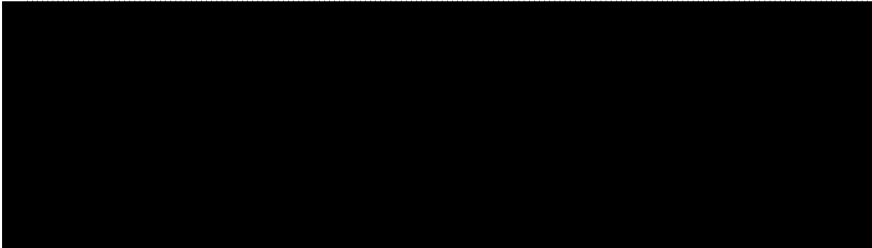
10. **For the reasons set out above I conclude that the applicant's claim for a full** award of costs should be dismissed.

Benjamin Webb

INSPECTOR

Appendix 7: Conservation Officer Response to A/122/19/OUT





From: Martyn White
Sent: 10 January 2020 17:02
To: Michael Eastham <Michael.Eastham@arun.gov.uk>
Subject: A/122/19/OUT

A/122/19/OUT

The application site is located to the north of the village and has a number of uses associate with it. These uses include agriculture, commercial and residential.

The site is located immediately west of Arundel Road, being bounded to the north by a small copse and a residential property. To the west are further agricultural fields, whilst to the south are sports fields and other residential development.

A very useful heritage assessment has been provided in accordance with the requirements of the NPPF. This identifies heritage assets in the local area and assess the impact of the proposed development upon the assets.

Based on the information provided, along with my own assessment, it is clear that there are a number of heritage assets in the local area of the site. The site itself does not contain any designated heritage assets. Although, as identified within the heritage assessment, there are potential for non-designated heritage assets on the site in the form of former WWII structures. The heritage assessment indicates that these structures were possibly relocated to the site and are of limited heritage significance due to the fact that they have been altered. I have no reason to question this conclusion.

The following assets have been identified in the local area:

- New Place Farmhouse, a Grade II* listed building
- Decoy Cottage, a Grade II Listed Building

New Place Farm House

The closest property to the application site is that of New Place Farm House. This building is thought to date to the late C16 or early C17 and has been developed and altered over time. There are modern farm buildings to the north of the building which help to ensure that the agricultural links with the building remain. This is enhanced by the nearby agricultural fields. The farmhouse's significance is largely derived from its built fabric which has historic, evidential and aesthetic values.

An area of woodland separates the listed building from the site which means that there is no intervisibility between the two. As a consequence, it is considered that the proposal will not harm the heritage significance of the building.

Decoy Cottage

Decoy Cottage is a Grade II Listed Building which is located some distance to the northwest of the site. The cottage is C17 or earlier timber-framed building with painted brick infilling. It has a tiled roof and casement windows. A C19 gabled addition at south end of higher elevation is also in painted brick having two windows. It is of evidential and aesthetic significance.

The area of land surrounding the cottage (which includes woodland and ponds) is also of significance, and worthy of note. There is no inter-visibility between the site and Decoy Cottage, due to the significant area of woodland between the two. As a consequence, development within the proposed site is not considered to cause harm to the heritage significance of the cottage.

Angmering Conservation Area

Angmering Conservation Area contains a mixture of Grade II and II* Listed Buildings, and various locally listed buildings. The conservation area is some distance from the site and is separated from it by a significant amount of later development. This modern development means that there is no inter-visibility between the site and the conservation area. As a consequence, it is considered that the development will not harm the heritage significance of the Angmering Conservation Area.

Conclusion

In conclusion it is considered that the proposed development will not harm the significance of the heritage assets due to their location and the lack of inter-visibility between them. Consequently, the application should be determined in accordance with the relevant policies within the Development Plan, along with these comments

You will also need to take into account the contents of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

Martyn White | Principal Conservation Officer, Planning Policy, Directorate of Place, Arun District Council | Location: First Floor, Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF
Internal: 37717 | External: +44 (0) 1903 737717 | E-mail: Martyn.white@arun.gov.uk

Visit Arun's web site at www.arun.gov.uk



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Turley Office
The Pinnacle
20 Tudor Road
Reading
RG1 1NH



Turley