

Recommendation Report for Outline Consent

REF NO:	A/270/21/OUT
LOCATION:	Land off Arundel Road Angmering
PROPOSAL:	Hybrid application comprising: a) Demolition of existing buildings; b) Full planning application for the development of 160 No. dwellings with open space, landscaping and sustainable drainage systems (SuDS), and two vehicular access points from Arundel Road; c) Outline application with all matters reserved except access for up to 1,393 square metres of Class E floor-space with associated parking provision and 2.1 hectares of sports pitch land. This site is a Departure from the Development Plan

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal is seeking permission for: a) Demolition of all existing buildings b) Full planning permission for the development of 160 dwellings with open space, landscaping and sustainable drainage systems, and two vehicular access points from Arundel Road. c) Outline application with all matters reserved except access for up to 1,393 sqm of Class E floor-space with associated parking provisions and 2.1 hectares of sports pitch land.
SITE AREA	8.9 hectares (of which approximately 0.55 ha is the commercial area and 2.1 ha, the sports pitches).
RESIDENTIAL DENSITY	25.6 dwellings per hectare excluding the commercial area and sports pitches.
TOPOGRAPHY	Predominantly flat. Land rises to the north.
TREES	Two oak trees (T8 and T9) situated on the western boundary of the site are subject to a Tree Preservation Order (TPO/A/2/19) but they are not affected as they are shown to border the sports pitch. There are number of other existing trees in the area of this application which will be removed but these have not been determined as being worthy of protection. These comprise 14 trees (8 x T3 Common Ash/Crack Willow, T16 Common Ash, T17 Common Ash, 3 x T18 Common Ash, T19 Apple & T20 Western Red Cedar) and 5 tree groups (G5 Common Ash/Common Hawthorn, G6 Sycamore/Common Hawthorn/Common Dogwood, G11 Common Hawthorn/Common Ash, G12 Common Ash/Goat Willow/Butterfly Bush & G13 Elm/Common Ash).

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 a mix of a large agricultural field, existing commercial development at New Farm Nursery, a residential dwelling (New Place Bungalow) and a small area of scrub woodland.
CHARACTER OF LOCALITY	The site lies in predominantly rural area which is characterised by a linear form of existing and approved residential development along the road frontage with Arundel Road however to the south, beyond the sports pitches, the character is different with residential development extending westwards away from the road. The development 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 northwest 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 northeast of Arundel Road is the woodland of Poling Furzefields. The site adjoins residential dwellings to the North and East. Wilmington on the north side is two storeys and side on to the site. On the eastern side lies 1-9 Starling View, including one and two storey dwellings which back onto the site; and 68/68b Arundel Road, all two storeys and again backing onto the site.

RELEVANT SITE HISTORY

A/282/22/RES	Approval of reserved matters following A/122/19/OUT and varied by A/207/21/PL pertaining to the layout, scale, appearance and landscaping for 160 No dwellings with associated public open space, landscaping, parking, ecological mitigation and earthworks. This application is a Departure from the Development Plan and is in CIL Zone 3 and is CIL Liable as new dwellings.
A/48/22/RES	Approval of reserved matters following A/122/19/OUT and varied by A/207/21/PL pertaining to the layout, scale, appearance and landscaping for 156 No dwellings. This application is a Departure from the Development Plan and is in CIL Zone 3 (Zero Rated) as new dwellings.
A/46/22/RES	Approval of reserved matters following outline consent

A/122/19/OUT and varied by A/207/21/PL for the construction of 7 No dwellings with associated public open space, landscaping, parking, ecological mitigation, infrastructure and earthworks. This application is a Departure from the Development Plan and is in CIL Zone 3 and is not CIL liable.

A/207/21/PL	Variation of condition following grant of A/122/19/OUT relating to Conditions Nos 4 - approved plans and 16 - vehicular access.	App Cond with S106 23-11-21
A/122/19/OUT	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.	App Cond with S106 17-03-20

Outline planning permission with some matters reserved was granted under reference A/122/19/OUT (and subsequently varied by A/207/21/PL) for the erection of up to 160 dwellings and up to 1,393 sqm of B1/B2 industrial units.

Application A/46/22/RES concerns a small (phase 1) part of the site. Applications A/48/22/RES and A/282/22/RES (the latter being a resubmission of the former but also including the area of A/46/22/RES) relate to the wider site area and are still being determined.

A/235/21/DOC granted permission for a design code masterplan relating to condition 5 of A/207/21/PL. This provides further detail on character areas, street hierarchy, building typologies, key buildings, the approach to car parking, structural planting, street furniture, lighting, and treatment of the public realm. This has no bearing on the current application and only relates to those reserved matters applications submitted following A/122/19/OUT (as varied by A/207/21/PL).

REPRESENTATIONS

Angmering Parish Council object on the basis of the change from B1/B2 to class E uses, the cramped nature of the layout, its domination by on-street and front of plot car parking, insufficient space for street trees/other green infrastructure and whether the planned Sports Hub is suitable and adequate for that purpose. Their detailed comments are set out in full on the website.

Sussex Area Ramblers Association object due to the impact on views from footpath FP2176 (which runs adjacent to the western side of the site), spoiling the sense of walking through open agricultural land.

Seven resident objections and one no-objection raising the following concerns:

- Flooding/drainage.
- Lack of infrastructure and local amenities.
- Loss of green spaces.
- Traffic/highways safety.
- Pedestrian access/safety.
- Impact of construction work.
- Loss of local employment; and
- Impact on wildlife.

COMMENTS ON REPRESENTATIONS RECEIVED:

There is no change to the proposed use class as B1/B2 became Class E on the 1st September 2020 with an amendment to the Use Classes Order 1987. It is also material that there is an extant planning permission for this site and so it is inevitable that there will a change to the outlook of persons using the adjacent footpath and a loss of green spaces. The construction impacts will be temporary and can be controlled by conditions. All of the other concerns are covered in the conclusions section of this report.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

NATIONAL HIGHWAYS - object and recommend that planning permission not be granted until after the 22nd February 2023 due to the impact of the proposals on the Strategic Road Network (SRN) which have not been agreed and for which information remains outstanding. Also state that a contribution will be required for mitigation on the A27 junctions.

NATURAL ENGLAND - raise no comments.

SOUTH DOWNS NATIONAL PARK AUTHORITY - no objection subject to the use of native planting, further biodiversity enhancements, control of external lighting and connections onto footpaths,

SOUTHERN WATER - no objection subject to a planning condition to ensure occupation of the site is phased to align with the delivery of network reinforcements.

SUSSEX POLICE - no objection but list a number of advisory notes regarding improving security.

WSCC HIGHWAYS - request more information in respect of:

- How the development would support the provision of cycle routes including scheme id 38 between Arundel and Angmering.
- The suitability of pedestrian routes to key facilities.
- Emergency access.
- How pedestrian and cycle connection could be made to the southern access.
- No crossing point has been provided to allow north/south movement close to the northern access.
- Connections into & through the Public Open Space or proposed future footway/cycleway provision within the same area.
- Vehicle tracking in some areas extends off the carriage way onto what maybe a residential curtilage; and
- In a number of cases the forward visibility around the bend would obstructed by proposed tree planting.

WSCC PUBLIC RIGHTS OF WAY - no objection.

WSCC MINERALS & WASTE - no objection.

WSCC FIRE & RESCUE - no objections subject to a condition to secure fire hydrants.

WSCC LEAD LOCAL FLOOD AUTHORITY - no objection and state that:

- Surface water mapping shows site is at low risk from surface water flooding. This risk is based on modelled data and should not be taken as meaning the site will/will not definitely flood in these events.
- The area of development is shown to be at low risk from groundwater flooding based on current mapping, but this is modelled data only and should not be taken as meaning the site will/will not suffer groundwater flooding.
- A watercourse runs along the boundary of the site; and
- No records of historic surface flooding within the confines of the site.

ADC LEISURE & LANDSCAPE OFFICER - object due to:

- Densely packed residential area, with lack of planting or green street presence.
- The proposed trees are afforded little space to establish and thrive.
- Reliance on tree planting within private amenity spaces, which cannot be relied upon to provide greening nor biodiversity enhancements as they are not within the scope of wider management.
- Planting around the sports pitch land has the potential to conflict with the pitch layouts.
- Play provision needs to be provided in greater detail, ensuring that the play offer proposed is inclusive and accessible.
- Pathways and connectivity within and beyond the site have not been shown in sufficient detail; and
- The gateway Public Open Space area has been depleted in size from previously approved applications.

ADC CONSERVATION OFFICER - no objection and states the proposed development would not harm the significance of the nearby heritage assets due to their location and the lack of indivisibility between them and the development site.

ADC ENVIRONMENTAL HEALTH - no objection, subject to conditions re noise/vibration, electric vehicle charge points, lighting, contamination, asbestos, construction management, and construction hours. Also request consideration of air quality.

ADC DRAINAGE ENGINEERS - request the submission of a drainage strategy and therefore raised a holding objection. However, stated that if minded to approve, conditions can be imposed.

COUNCIL's ECOLOGIST - object due to insufficient evidence to determine the impact of the proposal on bats and their roosts. Note that building B1 was not accessed at the time of the survey and has been identified as having high bat roost potential. Therefore, the application cannot be determined until all surveys have been carried out. Also note that there are inconsistencies relating to reptile mitigation between the Phase 2 Survey Reports and the Ecological Mitigation and Enhancement Strategy.

COUNCIL's ARCHAEOLOGIST - states that the mitigation of the impact of the proposed development on deposits of archaeological interest will be secured via the condition (39) imposed on permission A/122/19/OUT.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and will be addressed in conclusions section except as discussed below.

ADC DRAINAGE ENGINEERS - in respect of the outline application it would be appropriate to impose the conditions as no layout is being agreed. However, as the full application seeks to agree a layout and there is no current agreement to the drainage strategy, it may not then be possible to implement the layout. However, it is material that a drainage statement was subsequently submitted but there has been no further drainage advice from the council's engineers. As such, it would not be reasonable to refuse on this basis.

COUNCIL's ARCHAEOLOGIST - it would be necessary to impose a new condition as this application is separate to the previous outline approval.

POLICY CONTEXT

Designations applicable to site:

Outside the Built-up Area Boundary.
Area of Advert Special Control,
Current/Future Flood Zone 1.
TPO/A/2/19.
Adjacent to a Public Footpath ref ANG/2176/1.
Within 500m of a WSCC Waste Site; and
CIL Zone 3.

DEVELOPMENT PLAN POLICIES

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

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
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
HSP1	HSP1 Housing allocation the housing requirement
HERDM1	HER DM1 Listed Buildings
HERDM3	HER DM3 Conservation Areas
HERDM6	HER DM6 Sites of Archaeological Interest
HWBSP1	HWB SP1 Health and Wellbeing
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
SKILLSSP1	SKILLS SP1 Employment and Skills
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 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 EH2	Protect the Landscape setting of the South Downs National Park
Angmering Neighbourhood Plan 2014 POLICY ER2	Local Employment
Angmering Neighbourhood Plan 2014 POLICY TM1	Local Highways
Angmering Neighbourhood Plan 2014 POLICY TM2	Cycling Walking & Equestrian

PLANNING POLICY GUIDANCE:

NPPDG	National Design Guide
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
SPD12	Open Space, Playing Pitches & Indoor & Built Sports Facilities
SPD13	Arun District Design Guide (SPD) January 2021

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan and Made Neighbourhood Development Plans. The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The Angmering Neighbourhood Plan 2014-2029 was made in 2015 and the relevant policies 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."

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that:

- (2) In dealing with an application for planning permission the authority shall have regard to:
- (a) the provisions of the development plan, so far as material to the application, a post-examination draft neighbourhood development plan, so far as material to the application,
 - (b) any local finance considerations, so far as material to the application, and
 - (c) any other material considerations.

The proposal is considered to conflict with relevant Development Plan policies in that the residential development is located in the countryside, on agricultural land and there are further concerns with the proposed layout and appearance of the residential development. Furthermore, there is insufficient information to determine the impact on the local and wider road network.

OTHER MATERIAL CONSIDERATIONS

There are other material considerations to be weighed in the balance with the Development Plan and these are set out in the conclusions section below.

CONCLUSIONS

OUTLINE APPLICATION

This section of the report concerns the outline application for up to 1,393 square metres of Class E floor-space with associated parking provision and 2.1 hectares of sports pitch land. According to the application, all matters are reserved for a later reserved matters submission except for access. As such, it is only necessary to assess the outline in terms of the principle of development in this countryside location, impact on the landscape, whether the location of the commercial area is acceptable having regard to existing/proposed residential development, impact on the highway network, biodiversity, climate change and infrastructure.

PRINCIPLE:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states applications should be determined in accordance with the development plan unless material considerations indicate otherwise. Section 38(5) states: "If to any extent a policy contained in a development plan for an area conflict with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document". Therefore, the Arun Local Plan takes precedence over the Angmering

Neighbourhood Plan, should there be any conflict between the two.

The site is located outside of the built-up area boundary and as such is defined as being within a countryside location and therefore subject to Arun Local Plan (ALP) policy C SP1. This identifies that development in the countryside will be permitted when it is in accordance with other policies within the Plan which refer to a specific use or type of development. In this case, the proposal relates to the redevelopment of an existing commercial site through the provision of 1,393sqm of Class E floor-space. Therefore, ALP policy EMP DM1 is relevant to the consideration of the principle of these proposals.

It is material that there are existing commercial uses on the site with the employment site having been historically occupied by 9 businesses, including vehicle repair shops, a window showroom/workshop and storage cars & caravans. The site would cover approximately the same amount of industrial floorspace as the existing employment provision on the site.

The proposed development would constitute the re-development (and significant enhancement) of existing employment floorspace and as such would accord with Policy EMP DM1 of the Arun Local Plan. There is also no conflict with policy ER2 of the Angmering Neighbourhood Development Plan (ANDP) which seeks to prevent the loss of employment sites. Therefore, the principle of the proposed employment development is acceptable subject to the proposals being in accordance with other relevant development plan policies.

The proposed development includes the gifting of 2.1 hectares of land to the District Council to enable the re-modelling of the existing play pitch provision for the development of the sports hub which is to be centred on the Palmer Road Recreation Ground to the immediate south of the application site. The provision of sports pitches in the southwestern part of the site would extend the sports facilities on offer in Angmering and the existing wider leisure facilities at Palmer Road, and positively contribute towards the delivery of a Sports Hub. The sports pitch proposal is in accordance with C SP1 as it allows for recreational land uses in the countryside and there is further support for this in the form of ALP policies OSR DM1 and HWB SP1.

SETTING OF THE SOUTH DOWNS NATIONAL PARK (SDNP):

ALP policy LAN DM1 states development should respect the particular characteristics & natural features of the relevant landscape character areas and seek, wherever possible, to reinforce or repair the character of those areas. In particular, development should have special regard to the conservation of the SDNP setting, including views into and out of the Park. ANDP policy EH2 states development should not adversely affect the views into and out of the Park by virtue of its location or design.

The SDNP is approximately 350m from the northern boundary of the development site. The land slopes up gently towards it, with ground elevating significantly beyond the A27. The submission makes no reference to potential impact on the SDNP however it is material that the proposal is for the redevelopment of an existing employment use and that this is an outline application with all matters reserved so the potential impact can be assessed at the reserved matters stage. The sports pitch aspect of the proposal is acceptable as it will sit alongside an existing sports/recreational land use and will remain as open green land.

Views of the proposed site from the SDNP are restricted by landform, the enclosed nature of the site and intervening development/vegetation. In particular, the extensive woodland of Angmering Park limits views to the site from the north of the A27. The SDNP Authority raise no concerns with the proposed development. Therefore, the proposed development would not negatively impact on the special qualities of the SDNP and accords with policy LAN DM1 of the ALP and EH2 of the ANP.

SITE SUITABILITY:

ALP policies D DM1 and QE SP1 require there be minimal impact to users and occupiers of nearby property and ensure development does not have a significantly negative impact on residential amenity. Policy QE DM1 states new noise generating development must be accompanied by a noise report and evidence that there are no suitable alternative locations for the development.

It is material that the proposed development would constitute the re-development (and significant enhancement) of existing employment floorspace on the same site and proposes broadly the same amount of floorspace as existing. However, the proposed new site will bring new commercial buildings closer to existing residential dwellings on Arundel Road than before. Currently, only one existing residential dwelling backs onto part of a caravan storage area. Furthermore, the full application proposes new residential dwellings around the northern edge of the commercial area.

All matters are reserved and therefore there are no current details of where the new commercial buildings will be sited, what landscape buffering will be proposed and the details of boundary treatments. Therefore, it is not possible to properly assess the impacts of the use at the current time on the existing dwellings or (despite the full residential layout) on the proposed dwellings.

However, it is noted that the council's environmental health officer raises no in principle objections and considers that noise conditions (based on the assessments already done) can be imposed to ensure a satisfactory relationship. On this basis, and that the LPA will have control over the commercial layout at reserved matter stage (and be able to impose conditions to control the uses), the proposal is appropriate and there are no current conflicts with the relevant policies.

The proposed sports pitch will be adjacent to existing sports facilities and whilst it will be close to future houses to the north and east (and could therefore result in noise disturbance to these), this is acceptable as buffer planting is shown on the submitted plans for the houses.

TRANSPORT

ALP policy T SP1 seeks to ensure development provides safe access on to the highway network; contributes to highway improvements (where appropriate) and promotes sustainable transport. Schemes should accommodate the efficient delivery of goods and supplies; give priority to pedestrian and cycle movements, be accessed by high quality public transport facilities, create safe and secure layouts for traffic, cyclists and pedestrians and provide appropriate levels of parking. Policy T DM1 requires new development be located in easy access of established non-car transport modes/routes. ANDP policy TM1 states that proposals should demonstrate that adequate and satisfactory provision has been made to mitigate the impact of the traffic generated both during development and on completion.

It is material that the access arrangements to the commercial site have previously been agreed with WSCC Highways as part of the extant permission A/129/19/OUT (as varied by A/207/21/PL). WSCC Highways raise no concerns with the proposed (same) access arrangements.

National Highways have raised a concern with the submitted Transport Statement in relation to the proposed development as whole (including the residential scheme) as there are several matters that require further information to assess the implications of the whole proposal on the strategic road network (SRN). Insufficient detail has been provided to allow for review of safety impacts of the proposed development on the operation of nearby junctions with the SRN, a full STATS19 accident analysis is required. The traffic flow diagram is unclear, and it cannot be determined whether this assessment is underrepresenting the proposed development trips. The junction assessments have not been updated since A/122/19/OUT to reflect the changes proposed within this application. No junction capacity

modelling has been provided for the A27/ Arundel Road priority junction. Accordingly, the impact of development traffic impact on the closest junction with the SRN to the site cannot currently be ascertained.

The applicant was previously made aware of the issues and attempted to resolve these with the submission of an amended Transport Statement in April 2022. However, National Highways responded in May to advise that their previous comments had not been addressed. Further comments from National Highways dated 15/08/22 and 22/11/22 advised that as the matters remained outstanding, their objection remains.

Overall, the impact of the proposed development as a whole on the SRN has not been agreed, and further information is required to resolve this issue. At this time additional information has not been supplied to satisfy National Highways concerns and so it cannot be determined that the proposal would not generate unacceptable impacts on highways safety or capacity and therefore it does not accord with the policy requirements of T SP1 of the ALP or TM1 of the ANDP and the NPPF.

BIODIVERSITY:

ALP policy ENV DM5 states development schemes shall seek to achieve a net gain in biodiversity and protect habitats on site. The council's ecologist has reviewed the submitted ecology assessments and mitigation/enhancement proposals but they are not satisfied there is sufficient ecological information available to fully determine whether there is harm to priority species, and whether the proposed mitigation and compensation measures are therefore appropriate.

The ecological phase 2 survey report (March 2022) states building B1 (the existing bungalow which is to be demolished) was not accessed but has been identified as having a high bat roost potential. The report states "Building B1 requires three bat emergence/re-entry surveys when access is available to update the survey data from 2018."

This survey information is required prior to determination as Government standing advice is that surveys are required where there is suitable habitat on or within 500m of the site to support protected species and they may be affected by the development; that conditions should not normally be used to secure surveys because it is necessary to consider the full impact of the proposal on protected species before granting planning permission; and that permission can be refused if surveys do not provide enough evidence to assess the likely negative effects on protected species.

However, it is material that a later phase 2 survey submitted with the associated application ref A/48/22/RES carried out further surveys of the buildings proposed to be demolished and found they no longer contain roosting bats and so works can proceed without the need for a European Protected Species (EPS) Mitigation Licence for bats. This survey report has been assessed by the ecologist in connection with A/48/22/RES and no objections were raised subject to conditions.

It was also reported by the ecologist that there is conflicting information in the survey reports regarding precautionary mitigation measures for reptiles and this needs to be resolved. However, this could be resolved by a condition. The sports pitch proposal will only have limited impacts on protected species associated with maintenance of the space and noise disturbance but this does not result in any conflict with the policy.

CLIMATE CHANGE:

ALP policy ECC SP2 requires new residential and commercial development to be energy efficient and incorporate decentralised, renewable, and low carbon energy supply systems. ECC SP1 requires new

development be designed to adapt to impacts arising from climate change and all major developments must produce 10% of total predicted energy requirements from renewables unless unviable.

The Design & Access Statement includes a section on sustainability although this is entirely focussed on the residential part of the application. This is not unacceptable due to the outline nature of the commercial scheme and conditions could be imposed to require details of energy efficiency measures and also electric vehicle charge points to be submitted either at reserved matters stage or at a later date. On this basis, there would be no conflict with the relevant policies. These requirements would not apply to the sports pitch provision.

INFRASTRUCTURE:

ALP policy INF SP1 requires development proposals provide or contribute towards the infrastructure & services needed to support development to meet the needs of future occupiers and the existing community. With the introduction of the council's Community Infrastructure Levy (CIL), it is no longer possible to secure financial contributions for off-site projects through a s106 unless the CIL charging schedule does not cover the type of development proposed.

The commercial development is liable for CIL (the sports pitch is not liable), but it is not possible to calculate this at outline stage due to there being no confirmation of the amount of new floorspace. It would also be necessary to take account of the existing floorspace to be lost and this may mean that little or no CIL is applicable to the commercial proposal.

TELECOMMUNICATIONS:

ALP policy TEL SP1 state all proposals for new residential, employment and commercial development must be designed to be connected to high quality communications infrastructure. This policy would be complied with through a suitable condition on the permission.

SUMMARY:

The principle of class E commercial space on this part of the site is acceptable, however there are currently material considerations that warrant the refusal of the application. Insufficient information has been provided regarding the potential traffic impact of the development on the Strategic Road Network. Therefore, the outline proposal is recommended for refusal.

FULL APPLICATION

This section of the report concerns the full application for development of 160 No. dwellings with open space, landscaping, sustainable urban drainage systems, and two vehicular access points from Arundel Road.

PRINCIPLE:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states applications should be determined in accordance with the development plan unless material considerations indicate otherwise. Section 38(5) states: "If to any extent a policy contained in a development plan for an area conflict with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document". Therefore, the ALP takes precedence over the Angmering Neighbourhood Plan, should there be any conflict between the two.

Paragraph 14 of the NPPF states 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:

- a) the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made.
- b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement.
- c) the local planning authority has at least a three year supply of deliverable housing sites (against its five year housing supply requirement, including the appropriate buffer as set out in paragraph 74); and
- d) the local planning authority's housing delivery was at least 45% of that required over the previous three years.

In January 2022, the council published its Authority Monitoring Report (AMR) for 2020/21 and this shows that the Housing Land Supply (HLS) has decreased from 3.3 years to 2.42 years. The AMR for 2021/22 was discussed at the Planning Policy Committee on 26 January 2023 and this reported that the HLS has decreased slightly to 2.36 years. On the basis of the current HLS and the age of the ANDP, para 14 of the NPPF does not apply.

The policies most important for the determination in the ALP have reduced weight as Arun cannot demonstrate an adequate supply of housing land. The policies in the ANDP have even less weight because they relate to out-of-date housing needs, as the policies were based on the 2003 Local Plan and early versions of the then emerging Arun Local Plan.

The Arun Local Plan

Policy H SP1 sets out an overall provision of 20,000 new homes through the Local Plan phased over the plan period to 2031. It includes 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". It is no longer planned to prepare this document. The ALP is to be subject to a formal review but this has been paused for now.

Policy C SP1 states residential development in the countryside outside the BUAB will not be permitted unless it accords with policies in the Plan which refer to a specific use or type of development. None of these relate to the proposal. Policy SD SP2 states development should be focused in the BUAB. This full application conflicts with ALP policies C SP1 and SD SP2.

The Angmering Neighbourhood Development Plan

The ANDP was made in March 2015 on the basis of saved policies in the 2003 Arun District Local Plan and the draft policies in the 2014 publication version of the emerging ALP. The site is outside of the BUAB in the ANDP. Policy HD1 states that only development within the BUAB will be permitted. The site is not included in policy HD2 as an allocation.

The National Planning Policy Framework (NPPF)

The NPPF is an important material consideration in determining applications. As the council cannot demonstrate a 5-year HLS, para 11(d) of the NPPF and the application of the 'presumption' for sustainable development would be triggered.

This states where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date (including for applications involving the provision

of housing where a 5-year HLS cannot be demonstrated), 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.

Part (i) does not apply to this determination as the site does not lie in a protected area. The part (ii) test will be applied at the end of this section of the report.

Other Material Considerations

The council's Action Plan (June 2019) made a series of recommendations to boost housing delivery. It recommended the council consider inviting applications from landowners / developers on 'deliverable' Housing & Economic Land Availability Assessment (HELAA) sites to re-establish the 5-year housing land supply. The site (ref 40) was stated to be 'developable' in the current HELAA and so would benefit from support from the Action Plan.

In February 2021, Arun published an Interim Policy Statement for Housing Delivery (IHS). This is not policy, but is meant as a guide for developers proposing development on sites outside the BUAB and to inform decisions. The IHS applies to sites adjacent to settlement boundaries and the site just meets the criteria by virtue of touching the BUAB in the south-eastern corner. The IHS sets out criteria to help speed up determinations of suitable residential developments. The application does not respond to the IHS.

In January 2022, the government published Arun's most recent Housing Delivery Test (HDT) results and showed that Arun achieved 65% triggering the application of the presumption in favour of sustainable development (although this is already being applied due to the HLS shortfall). A new set of HDT results is expected in January 2023.

It is also material that there is an extant outline permission for 160 homes and up to 1,393 sqm of B1/B2 (class E) units on the same site (ref A/122/19/OUT as varied by A/207/21/PL). This requires that reserved matters is submitted to the council by 17/03/23 and the development is then implemented by either 17th March 2025 or 2 years from the date of the last reserved matters approval, whichever is the later. It is also noted that despite the site being outside the BUAB, a recently permitted residential development for 9 houses is sited on the eastern side of the site.

Finally, 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 and so should this report find no harm to character or some other aspect of the countryside then a refusal on grounds of principle would not be appropriate.

Sustainability

ALP 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 NPPF. Para 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 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; support the local economy by providing jobs in the associated enhanced commercial development and the associated 2.1 ha of recreation land to be gifted to the District Council will also benefit the existing population. If approved, the development would also be required to contribute CIL payments towards local schools, libraries, the local health service and other important facilities. 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.

The New Homes Bonus and Community Infrastructure Levy are local finance considerations and as noted in the Development Plan Background section above, section 70(2) of Town and Country Planning Act 1990 (as amended) provides that local planning authorities should have regard to any local finance considerations, so far as material to the application. council Tax revenues are not capable of being considered in the same way.

Notwithstanding the loss of the agricultural land (which has an economic cost), the proposal as a whole meets the economic, social, and environmental aspects of sustainable development and the presumption in favour of sustainable development is engaged.

Conclusion on Matters of Principle:

The principle of the full proposal conflicts with the ALP and the ANDP but it is material that the council cannot demonstrate an appropriate HLS and that it has invited applications on deliverable HELAA sites and particularly those adjacent to settlements in sustainable locations. It is also material that there is an extant outline permission on the site for housing - and there is a good chance of this being delivered as evidenced by the recent reserved matters applications. Due to the HLS position, the application as a whole, falls to be determined by the NPPF presumption in favour of sustainable development.

AGRICULTURAL LAND:

ALP policy SO DM1 states unless land is allocated, then the use of Grades 1, 2 and 3a of the ALC for development not associated with agriculture, horticulture or forestry will not be permitted unless the need for the development outweighs the need to protect such land in the long term. The NPPF (paragraph 174) requires that the council protect soils (in a manner commensurate with their statutory status or identified quality in the development plan).

The latest available Defra agricultural 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 application submission does not respond to this issue except that a copy of a previous appeal decision which dealt with this issue (Clays Farm, Yapton - APP/C3810/W/19/3234972) is provided. The land clearly is used or was last used for arable crop purposes and is a large tract of land.

In allowing the Clays Farm appeal relating to a refusal on loss of grade 2 agricultural land, the Inspector noted the site was not being used for agriculture and that there was no evidence that the site would be so used in the future. The Inspector stated whilst this does not in itself justify the loss of agricultural land, it does act to reduce the level of environmental and economic harm caused by its development. The

Inspector considered the loss of the grade 2 agricultural land represented only moderate harm and that the benefits of 33 new homes outweighed this harm.

More recently, in respect of a proposed 106 homes in Pagham (APP/C3810/W/22/3302023), an Inspector determined that compared to the extent of BMV land in Arun, the loss of around 5 hectares of grade 3a/3b land would not be significant. Furthermore, that the important soils can be protected and reused. Overall, he determined that the loss of agricultural land only carried moderate weight and that the scheme benefits outweighed this.

Although this site is (or has until very recently been) used for crops, the council's housing land supply shortfall is significant and agricultural land will need to be built on to meet the shortfall. Sites that are close to existing settlement boundaries such as this would be preferred to meet this need. On balance, the housing land supply need does serve to outweigh the loss of the agricultural land.

Policy SO DM1 also makes it clear that in order to fully justify the loss of the agricultural land, the policy criteria (a) to (b) and (d) to (g) should be met. These require assessment of the land's economic status, the land's environmental & other benefits and mitigation measures. The applicant has not responded to these criteria and has not provided a Soil Resource Plan (although this could be secured by a condition). Whilst the need for the whole development is accepted, there is conflict with the remaining parts of the policy.

TRAFFIC & ROAD SAFETY:

ALP policy T SP1 seeks to ensure development provides safe access on to the highway network; contributes to highway improvements (where appropriate) and promotes sustainable transport. Schemes should accommodate the efficient delivery of goods and supplies; give priority to pedestrian and cycle movements, be accessed by high quality public transport facilities, create safe and secure layouts for traffic, cyclists and pedestrians and provide appropriate levels of parking. Policy T DM1 requires new development be located in easy access of established non-car transport modes/routes.

Para 110 of the NPPF states: "In assessing ... specific applications for development, it should be ensured that: (b) safe and suitable access to the site can be achieved for all users". Para 111 states: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe." ANDP policy HD8 refers to car parking but has reduced weight due to the adoption of the Arun Parking Standards SPD. Policy TM1 states that proposals should demonstrate that adequate and satisfactory provision has been made to mitigate the impact of the traffic generated both during development and on completion.

It is material that access arrangements have been previously agreed with WSCC Highways as part of the extant permission A/129/19/OUT (as varied by A/207/21/PL) however, this is a new full permission, and it is appropriate for all consultees to consider the proposal afresh. WSCC Highways raise some concerns with the layout (as amended) as set out elsewhere in this report. These matters have not yet been addressed and so it is not possible to determine that the proposal is currently in accordance with the relevant policies.

In addition, National Highways have raised a concern with the submitted Transport Statement in relation to the proposed development as a whole as there are several matters that require further information to assess the implications of the whole proposal on the strategic road network (SRN). Insufficient detail has been provided to allow for review of safety impacts of the proposed development on the operation of nearby junctions with the SRN, a full STATS19 accident analysis is required. The traffic flow diagram is unclear, and it cannot be determined whether this assessment is underrepresenting the proposed

development trips. The junction assessments have not been updated since A/122/19/OUT to reflect the changes proposed within this application. No junction capacity modelling has been provided for the A27/Arundel Road priority junction. Accordingly, the impact of development traffic impact on the closest junction with the SRN to the site cannot currently be ascertained.

The applicant was previously made aware of these issues and attempted to resolve these with the submission of an amended Transport Statement in April 2022. However, National Highways responded in May to advise that their previous comments had not been addressed. Further comments from National Highways dated 15/08/22 and 22/11/22 advised that as the matters remained outstanding, their objection remains.

The application proposes a total of 383 private car parking spaces which includes 239 on plot spaces, 98 off plot spaces and half of the 92 proposed garage spaces (to allow for the SPD rule that garages are treated as providing 0.5 spaces). In addition, there are 35 visitor spaces. As per the parking standards SPD, the proposal generates a requirement for 379 allocated spaces and 32 visitor spaces. Therefore, overall, there will be a slight overprovision of parking which is positive.

Cycle parking is to be provided in stores within the rear gardens of dwellings or in garages. This is acceptable but as there are no details of the sheds, a condition would need to be applied to ensure that such details are provided and that the cycle storage spaces are provided prior to occupation.

The existing Public Right of Way (PRoW 2176) footpath running north to south adjacent to the western boundary of the site will not be affected by the proposal and it is understood will be connected to the site as part of the enhanced pedestrian movement network but there are no current details of this.

Insufficient information has been supplied to allow the LPA to fully assess the proposal regarding highway safety and pedestrian accessibility. Therefore, the application does not accord with the relevant policies.

HERITAGE:

The site is 770m from Angmering Conservation Area, 590m from Decoy Cottage (Grade II*) and 190m from New Place Farmhouse (Grade II). However, there are no heritage assets within or immediately adjacent to the site.

ALP policy HER SP1 states development likely to prejudice heritage assets and their settings will be refused. Policy HER DM1 requires that proposals protect and, where possible, enhance the setting of Listed Buildings. Policy HER DM3 seeks to protect the setting of conservation areas. The NPPF provides guidance on how to determine impacts on heritage assets.

The Conservation Officer has been consulted on the proposed development and has advised that due to the woodland, existing residential development, and location of the site there will be no inter-visibility between the site and the heritage assets. Therefore, the development would not harm the heritage significance of the Listed Buildings or Angmering Conservation Area. On this basis, there is no conflict with the relevant policies.

ARCHAEOLOGY:

ALP Policy HER DM6 states where a site on which development is proposed has the potential to include heritage assets with archaeological interest, permission will only be granted where it can be demonstrated development will not be harmful to the archaeological interest of the sites. The policy requires a desk based archaeological assessment be submitted. The application refers back to the

previous assessment submitted with A/122/19/OUT and states that archaeology was deemed to be acceptable by the council's archaeologist subject to conditions. The archaeologist has commented on this application and raises no further concerns therefore this requirement is satisfied.

SETTING OF THE SOUTH DOWNS NATIONAL PARK (SDNP):

ALP policy LAN DM1 states development should have special regard to the conservation of the SDNP setting, including views into and out of the Park. ANDP policy EH2 states development should not adversely affect the views into and out of the Park by virtue of its location or design.

The SDNP is approximately 350m from the northern boundary of the development site. The land slopes up gently towards it, with ground elevating significantly beyond the A27. The submission makes no reference to potential impact on the SDNP. However, views of the proposed site from the SDNP are restricted by landform, the enclosed nature of the site and intervening development/vegetation. In particular, the extensive woodland of Angmering Park limits views to the site from the north of the A27. The SDNP Authority raise no concerns with the proposed development. Therefore, the proposed development would not negatively impact on the special qualities of the SDNP and accords with policy LAN DM1 of the ALP and EH2 of the ANP.

LANDSCAPE, CHARACTER, DESIGN & LAYOUT:

ALP policies D SP1 and D DM1 require development make the best possible use of land by reflecting or improving on the character of the site/surrounding area. Policy LAN DM1 states development should respect the particular characteristics & natural features of the relevant landscape character areas and seek, wherever possible, to reinforce or repair the character of those areas. Policy AH SP2 seeks to ensure affordable housing is visually indistinguishable from market housing and layouts avoid large clusters.

Policies HD4, HD5, HD6 and HD7 of the ANDP are relevant regarding materials, built form, housing layout, design, and density. The National Design Guide (NDG) is a material consideration in the determination of this application as well as the Arun Design Guide (ADG). The ADG requires development to respond to the existing scale and massing of the surrounding built environment, emulating this scale in most cases, and suggests that a decrease in scale should be used to ensure appropriate urban to rural transition.

The site falls within Angmering Upper Coastal Plain (SC12) which is characterised by undulating farmland enclosed by woods with frequent hedgerows, criss-cross of rural tracks, byways and rights of way, strong network of hedgerows, hedgerow trees and medium to large blocks of woodlands. Some of the key sensitivities and issues within this area include loss of undeveloped rural character of the area, urban development pressures, closing open views between settlements, planting of non-native hedge and tree boundaries. The Arun Landscape Study (2006) identifies the site lies within the Lyminster-Angmering Coastal Plan (LCA 40) which has a negligible/low landscape capacity. The Study states the area is "rural upper coastal plain adjacent to AONB, detached from existing settlement, relatively high ecological and heritage value" and "This area effectively separates Poling from Lyminster, Littlehampton and Angmering, and is also characterised as being rural and having little urban influence."

Views of the proposed development are largely confined to vantage points located to the south and west, with views from the north and east restricted by woodlands surrounding the site plus existing development. There are views, filtered to varying degrees from the recreation ground and surrounding housing to the south, as well as a public right of way crossing farmland to the south-west and west.

The proposed new boundary vegetation will include additional trees, thicket and hedgerow planting which

will reinforce the existing woodlands along the site boundaries and create a landscaped edge to the development which respects the mature woodland of Steyne Wood and the site's countryside edge. The development would not result in harm to the established character of the site, and wider landscape due to the existing landforms, development, planting, and additional planting proposed within this submission. The proposal accords with the requirements of LAN DM1 of the ALP and point 4 of HD5 of the ANDP.

A Design Code Masterplan was agreed by A/235/21/DOC. This relates to the previous outline permission for dwellings on the site and cannot be applied to this new full application. However, the document does set out parameters for how it was envisaged that the layout and design rationale would take shape and so is capable of being treated as a material planning consideration.

In some instances, the site layout has taken account of the wider setting of the site, with dwellings facing outwards to address the areas of Public Open Space (POS) and edge of site landscape features. The gifted land for the Palmer Road Recreation Ground extension (sports pitch - the subject of the outline) is an important green infrastructure feature and general asset to the wider site. The proposal does not consider this asset, with dwellings adjacent to it all being side on. In turn, this misses the opportunity to provide natural surveillance to the sports facilities.

The scheme is dominated by car parking, with some roads being characterised by parking forward of the dwelling's primary elevation. There is limited landscaping between spaces which does little to mitigate the dominance of parking within the street scene and conflicts with the ADG detracting from the character and quality of the street scene.

It would be appropriate to have density greatest in the centre of the site with lower densities along the boundaries, particularly the northern where the site borders with the wooded area. Instead the area of highest density borders the sports pitch with medium densities to the east and north of this. The proposed density significantly deviates from that envisaged by the Design Code, whereby the southern portion of the site is characterised by high density development which is a stark contrast between the low density to the north.

Angmering is characterised by 1 and 2 storey dwellings, with none close to the site being more than 2.5 storeys. The proposed dwellings would be with a maximum ridge height of 9.5m, with 1 storey garages. The scale of the development is appropriate and respects that of the surrounding area.

The proposed affordable housing, has not been well distributed across the site with all of the provision in the high density southern parts of the layout bordering the sports pitch or the commercial area. There is no affordable housing proposed north of the village street. It is also apparent that the affordable housing is made up of 4 house types none of which are shown as market elsewhere. Therefore the instances of affordable housing will not be hidden amongst the proposed house types. ALP policy AH SP2 requires affordable housing to be visually indistinguishable from market housing with large groups of single tenure properties avoided. The proposal does not accord with the policy.

In general, the character areas and materials accord with the related Design Code. However, white cladding has been incorporated into the design of some house types and garages and this material choice deviates from that suggested by the Design Code. There is no justification as to why this is appropriate or where it is evident in the surrounding locality. Similarly, the choice of mock Tudor gables is proposed throughout the site and there is no evidence to show how this is an appropriate design feature and its presence in the surrounding residential area.

The proposal does not demonstrate high quality design, does not reflect local distinctiveness, and it does not seek to incorporate local design features evident in the local area. The proposed layout and design are inappropriate in terms of density, the distribution of affordable housing and car parking. Therefore,

there is conflict with the relevant policies.

HOUSING MIX:

ALP policy HDM1 seeks a mix of dwelling types and sizes to address the nature of local housing needs and market demand. The policy preamble (12.2.4) acknowledges that the final mix will be negotiated on a site-by-site basis, having regard to the most up to date Strategic Housing Market Assessment (SHMA).

Paragraph 63 of the "Updated Housing Needs Evidence" (September 2016) stated the evidence highlights a direction towards the provision of 2 and 3 bed units for market units and smaller affordable units. Paragraph 6.10 then states the analysis clearly shows the different profiles in the different broad tenures with affordable (rented) need being more heavily skewed towards smaller dwellings and market housing predominantly homes with three or more dwellings. Table 29 identifies a suggested broad mix of market housing by size for the District:

- 1-bed dwellings: 5-10% of all dwellings.
- 2-bed dwellings: 40-45% of all dwelling.
- 3-bed dwellings: 35-40% of all dwellings; and
- 4+ bed dwellings: 10-15% of all dwellings.

Separate ratios are given for affordable rented and intermediate/starter homes however this element of the mix would be separately agreed through the s106 legal agreement and would be acceptable provided it reflects the advice of the Housing Strategy Manager. The following mix is proposed for the market dwellings on the site:

1 Bed - 0
 2 Bed - 20
 3 Bed - 35
 4 Bed - 51
 5 Bed - 6
 (total =112)

This does not accord with the above suggested mix as there is an under provision of one bed houses by 5%, an under provision of two bed houses by 22% and an overprovision of four- and five-bedroom houses by 46%. The under provision in smaller dwellings and the overprovision of four beds is an unacceptable deviation from the SHMA. The large dwellings are welcome on the edges of the site to provide a looser edge to the development; however, the inappropriate dwelling mix pushes the smaller dwellings into densely packed groups with limited amenity space and poor parking arrangements.

Therefore, the proposed housing mix is deemed unacceptable and does not provide housing that would meet local needs and does not respect the setting of the site. The scheme is not in accordance with policy H DM1. ANDP policy HD3 requires that proposals should demonstrate how the applicant has sought to meet local needs and proposals should provide for a mix of housing sizes and the delivery of more smaller and fewer larger dwellings is encouraged. There is also conflict with this policy.

RESIDENTIAL AMENITY:

ALP policy D DM1 requires there be minimal impact to users and occupiers of nearby property and land. ALP policy QE SP1 requires development contribute positively to the quality of the environment and ensure development does not have a significantly negative impact on residential amenity. The council's Design Guide sets out the following guidance on interface distances between houses:

- Back-to-Back: min. 21m between habitable rooms of properties or to existing buildings.
- Back/Front to Side: min. 14m between habitable rooms and side gable of adjacent property.
- Front to Front: min. 16m between habitable rooms of properties facing each other.
- Back to Boundary: min. 12m between habitable rooms and site boundary to existing landscaping.
- There are no standards for either side to side or front to back.

There is no impact on any existing residential properties outside of the site with around 32m between plot 3 and the corner of Wilmington in the north-eastern corner. However, there are many instances across the site layout where these standards are not met. In terms of back to side distances, several plot relationships are in the range of 11-13.4m and so do not meet the guidance: 30-31, 30-33, 67-81, 67-82, 78-79, 87-89, 87-148, 88-89, 113-115, 116-117, 122-138, 129-130, 129-131, 134-135. There are also several front to front relationships in the range of 11-15m: 6-157, 103-129, 130-148, 131-147, 132-147, 134-135, 139-159, 139-160, 154-155, 154-156.

Whilst the ADG is guidance not policy, given the amount of shortfalls versus the standards and the size of some of these shortfalls, this is indicative of either over development or poor layout design. As such, the scheme conflicts with policies D DM1 and QE SP1 of the ALP.

QUALITY OF ACCOMMODATION:

ALP policy D DM2 states that internal spaces should be of an appropriate size and that the Nationally Described Space Standards provide guidance. The full application demonstrates all dwellings meet or exceed the required standards.

The ADG requires rear gardens to be a minimum of 10.5m deep and front gardens at least 2m. However, there are a number of instances where the requisite rear garden distance has not been provided including in respect of plots 3, 53, 54, 88, 127, 149 & 151 (in the range of 8.5-10m). There are also a number of front gardens which measure significantly less than the 2m minimum interface as per the ADG. These are plots 5, 6, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 53, 54, 55, 56, 57, 58, 60, 61, 62, 63, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 107, 108, 109, 114, 115, 116, 120, 121, 122, 120, 156, 158 & 160.

Whilst the ADG is guidance not policy, given the amount of shortfalls versus the standards and the size of some of these shortfalls, this is further justification to support an argument of over development and poor layout.

HOMES FOR OLDER PEOPLE:

ANDP policy HD3 requires that at least 25% of all dwellings should meet Lifetime Home Standards or its equivalent. Lifetime Homes no longer exist and have been replaced by parts M4(2) and M4(3) of the Building Regulations. The requirement for this scheme would be 40 homes.

Arun has an agreed internal policy on the provision of housing accommodation to provide for an ageing generation ("Accommodation for Older People and People with Disabilities", 2020). This is not adopted policy or a supplementary planning document but is considered to have some weight as a material planning consideration and is supported by references in ALP policies D DM1 & D DM2. This sets out a requirement for 80 homes meeting Building Regulations standard M4(2), 8 homes meeting the disabled suitable M4(3) standard and also the provision for some bungalows.

The application proposes 17 dwellings meeting the M4(2) standard and 6 dwellings as M4(3). No bungalows are proposed. This fails to meet either the ANDP policy or ADC policy note. Therefore, the provision of accommodation suitable for the elderly/infirm is in conflict with policy.

TREES:

ALP policy ENV DM4 states TPO protected trees, Ancient Woodland, those in a Conservation Area or trees that contribute to local amenity should not be damaged or felled unless the development meets certain criteria including that the benefits outweigh the loss of trees or woodland.

The application proposes the removal of several trees, but these have previously not been considered worthy of retention and the Tree Officer has not commented on this latest application. The two TPO Oak trees on the western boundary are being retained and are unaffected by the residential development. As such, there is no conflict with the relevant policy.

BIODIVERSITY:

ALP policy ENV DM5 states development schemes shall seek to achieve a net gain in biodiversity and protect habitats on site. The council's ecologist has reviewed the submitted ecology assessments and mitigation/enhancement proposals but they are not satisfied there is sufficient ecological information available to fully determine whether there is harm to priority species, and whether the proposed mitigation and compensation measures are therefore appropriate.

The ecological phase 2 survey report (March 2022) states building B1 (the existing bungalow which is to be demolished) was not accessed but has been identified as having a high bat roost potential. The report states "Building B1 requires three bat emergence/re-entry surveys when access is available to update the survey data from 2018."

This survey information is required prior to determination as Government standing advice is that surveys are required where there is suitable habitat on or within 500m of the site to support protected species and they may be affected by the development; that conditions should not normally be used to secure surveys because it is necessary to consider the full impact of the proposal on protected species before granting planning permission; and that permission can be refused if surveys do not provide enough evidence to assess the likely negative effects on protected species.

However, it is material that a later phase 2 survey submitted with the associated application ref A/48/22/RES carried out further surveys of the buildings proposed to be demolished and found they no longer contain roosting bats and so works can proceed without the need for a European Protected Species (EPS) Mitigation Licence for bats. This survey report has been assessed by the ecologist in connection with A/48/22/RES and no objections were raised subject to conditions.

It was also reported by the ecologist that there is conflicting information in the survey reports regarding precautionary mitigation measures for reptiles and this needs to be resolved. However, this could be resolved by a condition. The sports pitch proposal will only have limited impacts on protected species associated with maintenance of the space and noise disturbance but this does not result in any conflict with the policy.

SURFACE WATER DRAINAGE:

ALP policy W DM3 states all development must identify opportunities to incorporate a range of Sustainable Urban Drainage Systems (SUDS) as appropriate to the size of development. The councils drainage engineers raise an objection on the basis of there being no drainage statement to consider. However, it is material that a drainage statement was subsequently submitted but there has been no further drainage advice from the council's engineers. As such, it would not be reasonable to refuse on this basis. In addition, the engineer does state that conditions can be applied to the permission if

approval is being recommended. As such, the proposal would be in accordance with the relevant policy.

FOUL DRAINAGE:

ALP policy W DM1 states all major developments must demonstrate, that adequate drainage capacity exists or can be provided as part of the development. Where adequate capacity does not exist, there will be a requirement that facilities are adequately upgraded prior to the completion and occupation of development.

Southern Water do not object. It is material that, as per Ofwat rules, where a development can communicate directly to an existing public sewer system at no more than the existing pipe diameter, there is no requirement to undertake a capacity survey and the new connection would be subject to infrastructure charges. There is no conflict with policy W DM1.

POLLUTION IMPACTS:

ALP Policy QE DM3 requires that major developments are in easy reach of established public transport services, maximise provision for cycling & pedestrian facilities, include electric car charging points and contribute towards the improvement of the highway network. An Air Quality Assessment has not been provided but the Design & Access Statement refers to sustainability measures and there is a Travel Plan which together include measures to reduce the emissions concerning the proposed development. The site is also sustainably located, and residents will be able 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 council's environmental health officer (EHO) raised no objections in respect of air pollution.

Policy QE DM1 states noise sensitive development should not normally be permitted where high levels of noise will continue throughout the night, especially during the hours when people are normally sleeping and there is a likelihood of complaints about noise from industrial development. The dwellings will be located close to a proposed commercial area however, this commercial use can be controlled by conditions to ensure that noise will be controlled and that there will be no noise during the night. Furthermore, the commercial uses are within class E and so do not include any industrial uses. The EHO raises no objections and considers that noise conditions (based on the assessments already done) can be imposed to ensure a satisfactory relationship.

ALP policy QE DM2 states outdoor lighting should not have an adverse impact on neighbouring uses or the wider landscape, particularly with regard to the South Downs International Dark Sky Reserve designation. Further, that schemes proposing outdoor lighting be accompanied by an assessment. No assessment has been provided but it would be standard practice to control this by condition to require the submission of full lighting details at the condition discharge stage for the detailed application. The EHO raises no objections.

CONTAMINATION:

ALP Policy QE DM4 states development will be permitted on land that is contaminated as long as remediation is provided. The application is accompanied by a phase 2 geo-environmental and geotechnical site investigation report. The EHO has reviewed this and has raised no objections subject to conditions. Therefore, there is no conflict with the policy.

TELECOMMUNICATIONS:

ALP policy TEL SP1 state all proposals for new residential, employment and commercial development

must be designed to be connected to high quality communications infrastructure. This policy would be complied with through a suitable condition on the permission.

CLIMATE CHANGE:

ALP policy ECC SP2 requires new residential and commercial development to be energy efficient and incorporate decentralised, renewable, and low carbon energy supply systems. ECC SP1 requires new development be designed to adapt to impacts arising from climate change and all major developments must produce 10% of total predicted energy requirements from renewables unless unviable.

The Design & Access Statement includes a section on sustainability which discusses the use of building techniques to achieve high standards of insulation and achieve the necessary 10% energy reduction. A condition would need to be imposed to seek the detail of these measures. A condition will also be included to require electric vehicle charge points. On this basis, there would be no conflict with the relevant policies.

WASTE MANAGEMENT:

ALP policy WM DM1 is relevant and requires that kerbside servicing is provided. In this case, as per WSCC Highways advice, there are no issues with refuse vehicles accessing the site from Arundel Road, and the application is supported by refuse vehicle tracking as well as details of individual bin storage and communal bin stores. The application achieves sufficient provision for the storage of waste and that kerbside collection is possible for all dwellings. Overall, the development accords with policy WM DM1.

AFFORDABLE HOUSING:

Developments over 11 residential units require a minimum provision of 30% affordable housing on site as per ALP policy AH SP2. The council recently adopted an interim affordable housing policy which sets out the need to also secure first homes as part of the affordable housing mix. As at March 2022, there were 1299 households in housing need on the council's housing register.

The council's Housing Strategy and Enabling Officer was not consulted on this application but in order to meet the policy, 48 affordable homes must be provided and these should include 12 first homes, 4 intermediate and 33 affordable rented. The proposed provision excludes any first home provision but this is understandable given that the application was submitted prior to the first home policy being introduced. Nevertheless, as it stands, the proposal does not fully comply with the council's affordable housing policy and there is also no signed legal agreement at present to secure the affordable housing.

PUBLIC OPEN SPACE & PLAY:

ALP policies OSR DM1 and HWB SP1 are relevant to the consideration of public open space and play provision but there are no applicable policies contained within the ANDP. The Council's supplementary planning document (SPD) for 'Open Space, Playing Pitches, Indoor and Built Sports Facilities' (January 2020) sets out specific requirements for on-site public open space (POS) and play provision.

The SPD sets out an overall requirement of 13,200m² of POS to include 1,936m² of play space. The play provision should comprise a Neighbourhood Equipped Area of Play (NEAP) and mix of Local Equipped Area of Play (LEAP) and informal Local Areas of Play (LAP). The proposals include 3.2 hectares of open space which includes a parcel of land to the north-east corner of the site which will incorporate a LAP, alongside an area of land to the west which will include a LEAP. In addition, some 2.1 hectares is to be gifted to the district council as sports pitches. This provision exceeds the requirements and the Landscape Officer raises no objections to these aspects. There is no conflict with the relevant

policies.

SUPPORTING INFRASTRUCTURE:

ALP policy INF SP1 requires development proposals provide or contribute towards the infrastructure & services needed to support development to meet the needs of future occupiers and the existing community. With the introduction of the council's Community Infrastructure Levy (CIL), it is no longer possible to secure financial contributions for off-site projects through a s106 unless the CIL charging schedule does not cover the type of development proposed.

Where CIL is applicable, it is only possible to use s106 agreements to require affordable housing and on-site mitigation and the latter is restricted to items in the red edge. However, in respect of strategic highway contributions, para 5 of the most up-to-date ADC Community Infrastructure Funding Statement details ADC's CIL infrastructure list which does not include strategic highways. It is evident no ADC CIL monies will be spent on strategic highways. Paragraph 6.3 makes it clear that ADC do not generally collect via s106 for strategic highways (i.e., the strategic road network as managed by National Highways) and there is nothing in the WSCC CIL Infrastructure Funding Statement that indicates that CIL will be passed on to National Highways (NH) where there are impacts on the strategic road network. It is noted that NH indicate that a contribution towards A27 junction mitigation would be required so this would need to be secured by s106 agreement.

This residential development would be liable for CIL and a s106 legal agreement. As no s106 agreement has been agreed due to the Council recommending refusal, there is conflict with the policy in respect of the strategic highways contribution.

SUMMARY & TILTED BALANCE:

The NPPF is an important material consideration in determining applications. As the Council cannot demonstrate a 5-year HLS (currently 2.36-years), para 11(d) of the NPPF and the application of the 'presumption' for sustainable development is triggered.

This states where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date (including for applications involving the provision of housing where a 5-year HLS cannot be demonstrated), 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.

In respect of the part (ii) test, the report identifies that both parts of the proposal are in conflict with the Councils policies regarding development in the countryside, loss of agricultural land, impact on the highway network, design & layout, future residential amenity, housing mix and in terms of infrastructure provision.

The site is environmentally sustainable with limited harm to the natural environment and the development will help to support the local community/economy by providing 160 new homes to boost the Councils HLS shortfall, provide new affordable homes, help to maintain construction jobs, support local shops/services and contribute to infrastructure improvements across the district.

Despite the benefits and acknowledging the level of the Councils current HLS shortfall, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits. However, as the report has not found any harm associated with the countryside designation (with the loss of

agricultural land outweighed by the housing need and there being no landscape impact), this does not form a refusal reason. The application should therefore be refused for the following reasons:

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

HYBRID REFUSED

In pursuance of their powers under this Act and related Orders and Regulations the Council REFUSE to approve the development as described in the application and plans for the reasons stated.

The Reasons below refer to the 'FULL' matters within the planning application

1) The proposed residential development for the erection of 160 dwellings would result a poorly designed scheme, that does not demonstrate high quality design, does not reflect local distinctiveness, nor reflect the local design features of Angmering Village. The scheme results in a car dominated and cramped environment which reflects a poor layout, with inappropriate landscaping, density, mix of dwellings and inadequate spacing between dwellings. As such, the proposed development is in conflict with policies D DM1, LAN DM1, D SP1, QE SP1, HWB SP1 and OSR DM1 of the Arun Local Plan, HD4, HD5, HD6 and HD7 of the Angmering Neighbourhood Development Plan, the Arun Design Guide, and the NPPF.

2) The proposed development significantly deviates from the council's Strategic Market Housing Assessment (SHMA), and proposes easily distinguishable affordable housing in clustered groups. The proposed housing mix is deemed unacceptable and does not provide a provision of housing that would meet the needs and does not respect the setting of the site. The scheme also underprovides the necessary amount of housing suitable for the elderly or infirm and this provision is also entirely within the affordable tenure which is not appropriate to meet all future needs. The development is therefore

contrary to policies H DM1 and AH SP2 of the Arun Local Plan and Angmering Neighbourhood Development Plan policy HD3.

3) The submitted Transport Statement (March 2022) does not provide sufficient information for the LPA and National Highways to conclude that the proposal would not generate unacceptable impacts on highways safety or capacity, therefore it does not accord with policy T SP1 and T DM1 of the Arun Local Plan and the NPPF.

4) In the absence of a signed Section 106 agreement, the development fails to make any affordable housing provision contrary to the aims and objectives of the NPPF (in particular paragraphs 63-65) and policy AH SP2 of the Arun Local Plan.

5) In the absence of a signed Section 106 agreement, the development makes no provision for the mitigation of the strategic highway network contrary to the requirements of policy TSP1 of the Arun Local Plan and para 110 of the NPPF.

In pursuance of their powers under this Act and related Orders and Regulations the Council REFUSE to approve the development as described in the application and plans for the reasons stated.

The Reason below refers to the 'OUTLINE' matters within the planning application

1) The submitted Transport Statement (March 2022) does not provide sufficient information for the LPA and National Highways to conclude that the proposal would not generate unacceptable impacts on highways safety or capacity, therefore it does not accord with policy T SP1 and T DM1 of the Arun Local Plan and the NPPF.