

## REPORT UPDATE

Application No: A/44/17/OUT

### Reason for the Update / Changes

Reason for Update/Changes:

1] Grampian condition included requiring the provision of pedestrian access to the east of the site.

2] Letter of representation received from WSCC Local Access Forum;

- Members raised concerns about any proposal for a stepped bridge as they consider that any new crossing should benefit as many potential users as possible, including those with pushchairs or with impaired mobility. The Forum therefore requests that the design of the new footbridge incorporates ramped approaches (to comply with the Equalities Act) and is of adequate width to provide safe and easy access for all users.

- Members also note that existing PROW cross the site both north-south and east-west. Improvements to these paths would maximise the benefit of the crossing and would improve access.

3] Letter of representation received from a local resident raising a number of questions in relation to the proposed railway bridge and the PROW improvements secured via the S106 agreement.

4] Operators Statement received from St Mathews Health Care.

- There is an acute and a growing need for care beds in West Sussex overall and in this particular area. This development will seek to deliver 72 much needed care beds and will address some of the shortfall in the wider area.

- There are only two purpose built, specialist care homes within 3 miles of the subject site, and no planned schemes within 5 miles of the subject site.

- The 72 bedroom care home, based on a standard 40 hour working week, will equate to 74-78 full time equivalent jobs.

- Each of the bedrooms will exceed the current minimum size standard Care Quality Commissions' 'Essential Standards of Quality and Care' and each have an en-suite bathroom.

5] Condition 6 relating to the Gypsy/Traveller pitches has removed as this will be secured via the S106 agreement.

6] The Heads of Terms for the S106 Agreement have been updated to include further information regarding the MUGA contribution, NHS Contribution, Care Home Provision and Gypsy/Traveller Pitches. The amendments and additional information are shown in bold on the attached heads of terms.

7] The recommendation has been changed from 'Approve with S106' to 'Approve subject to S106'.

Officers Comment:

1] The Officer's Report made reference to the condition but it was not included in the recommended conditions. This condition has been added as Condition 6 below.

2] Comments are noted. However, Condition 15 requires submission of the bridge details/design for approval by ADC, WSCC and Network Rail and its construction prior to the occupation of any part of the site.

3] A response was provided to the local resident in relation to the questions raised.

4] These comments are noted.

5] The condition relating to the provision of Gypsy/Traveller pitches at the site has been removed and has been incorporated in the S106 agreement.

6] No comment.

7] The S106 whilst drafted remains unsigned and as such the recommendation has been amended accordingly.

Note: The changes to recommendation and conditions are attached on the amended replacement recommendation sheet.

**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.**

**A/44/17/OUT**

### **Recommendation Report for Outline Consent**

**REF NO:**        **A/44/17/OUT**

**LOCATION:**    Land west of Brook Lane and South of A259  
Angmering

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

#### **SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION

The application seeks outline permission for the construction of up to 90 dwellings and a 72

report

|                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|---------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                 | unit residential care home (use classes C2 & C3).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| SITE AREA                       | Approximately 5.9 hectares.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| RESIDENTIAL DEVELOPMENT DENSITY | Approximately 27.5 dwellings per hectare.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| TOPOGRAPHY                      | The topography of the site is predominantly flat but is set at a lower level than the A259 to the north.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| TREES                           | The site, due to its largely undeveloped nature, features a number of mature trees and hedgerows. The Council's Tree Officer has undertaken an assessment of the site and proposed that 15 individual Tree Preservation Orders (TPO) and 3 group TPO are places on the site.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| BOUNDARY TREATMENT              | The site boundaries consists predominantly of mature trees and hedgerows.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| SITE CHARACTERISTICS            | <p>The site is situated to the south of the A259 and to the west of Brook Lane. It is accessed directly from the A259 and falls within both Angmering Parish as well as Littlehampton, with the proposed railway bridge providing direct access to Rustington (situated to the south of the site).</p> <p>The site is largely undeveloped and has historically been used as grazing land. The site currently features a detached dwelling and an old stables which is the subject of a personal planning approval for the siting of two caravans for use by travellers.</p> <p>The site is largely situated within flood zone 1, with an area measuring approximately 0.6ha in the south-eastern corner falling within flood zone 2 and an area approximately 0.2ha identified as flood zone 3.</p> |
| CHARACTER OF LOCALITY           | The character of the locality is varied with the A259 abutting the northern boundary of the application site. Land immediate to the east is currently undeveloped but is the subject of a planning application for the construction of an A1 retail unit as well as an A3/A4 unit. Further east is Manor Retail park. The railway line runs along the southern boundary of the site with a                                                                                                                                                                                                                                                                                                                                                                                                          |

residential estate located to the south along with an allotment. A mixture of commercial uses are located to the south-east.

#### **RELEVANT SITE HISTORY**

|          |                                                                                                                                               |                                    |
|----------|-----------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|
| A/101/96 | Use of land for stationing of residential mobile home                                                                                         | App Cond with S106<br>07-03-1997   |
| A/96/98/ | Use of land for the stationing of 1 no. mobile home.                                                                                          | ApproveConditionally<br>09-06-1999 |
| A/12/02/ | Renewal of temporary planning permission A/96/98 for use of land for the stationing of 1 no mobile home (Departure from the Development Plan) | App Cond with S106<br>16-04-2002   |
| A/37/04/ | Renewal of temporary permission A/12/02 for use of land for the stationing of 1 x mobile home                                                 | ApproveConditionally<br>06-05-2004 |

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

#### **REPRESENTATIONS**

##### **Representations received:**

Angmering Parish Council  
Littlehampton Town Council  
Rustington Parish Council

Full comments from the Parish and Town Councils are available on the Arun District Council website.

##### **Angmering Parish Council:**

Considered at Housing, Transport & Planning Committee Meeting, 4 April 2017. This site is not suitable for the type and size of development proposed in the application; there are particular concerns regarding highway access, the inevitable increase in traffic density and the imposition of additional load on the A259 roundabouts at The Body Shop and Golfers Lane.

##### **Littlehampton Town Council:**

- Members had serious reservations regarding the proposed dementia care home between the A259 and the railway line.
- Impact of noise generated by the A259 should be mitigated against.
- The A259 is already under considerable pressure. Taking into consideration the impact on the A259 of the junction servicing the new retail park also on this stretch of dual carriageway, it was thought that the A259 would effectively become a single lane road for through traffic due to cars decelerating and accelerating into the new junctions. It was therefore considered

imperative that the lanes into these junctions were long enough for this to happen safely and without causing additional congestion.

- The proposed rail bridge is considered vital to any development on the site, or adjacent to it and it was judged important that the bridge was as accessible as possible.
- The site has established Gypsy/Traveller status with no mention of this or how alternative provision would be accommodated if the site was developed.
- Adequate water drainage should be provided and the scheme should be designed in conjunction with Southern Water.

Rustington Parish Council:

- The proposal will generate an unacceptable increase in vehicular traffic entering and leaving the public highway to the detriment of highway safety.
- The proposed access in conjunction with that proposed under reference A/11/17/OUT will cause vehicles to be decelerating and accelerating at a further two points along this stretch of road increasing the hazards to road users presenting a serious safety issue. The applicants for this proposal and A/11/17/OUT should work together to achieve an enhanced single point of access.
- The construction of a footbridge across the railway line is imperative in the interests of health and safety and would need to be a strict condition of any permission granted.
- Improvements to Penfold Lane are crucial to enhance the pedestrian links to Rustington and vital services. The LPA should seek financial contributions from the developers to secure this.
- The impact of noise from the A259 upon the development would be unacceptable.
- The proposals location outside of the built up area boundary is contrary to the Local Plan.
- The proposed development will place excessive pressure on an already overloaded sewerage and drainage system.

30 Letters of objection:

Policy objections

- Application site is outside the built up area boundary.

Infrastructure

- Current infrastructure and local services will reach breaking point.
- No provision to accommodate the additional children at schools.
- Doctors surgeries already over stretched.

Highways and Parking

- Additional vehicular movements will add to the already congested A259 and surrounding roads.
- Proposal will exacerbate existing pollution and congestion on the A259.
- Impact of development on Mill Lane leading to longer queues, worse air quality and rerouted traffic.
- Site is too narrow to allow safe access and egress onto the A259.
- Proposal would increase parking problems in Parklands, North Lane and Manor Road.

Flooding and Drainage

- Increased risk of flooding.
- Insufficient drainage and sewerage facilities

Residential Amenity

- Adverse impact upon daylight and privacy of existing properties.

**Biodiversity**

- Development will result in loss of wildlife and natural habitats.
- The site is a Biodiversity Opportunity Area.

**General comments**

- Dementia care home in close proximity to the road and railway line is not a good idea.
- Acoustic fencing will adversely impact upon views beyond the land in question.
- Proposed development will result in light pollution and adversely impact on the SDNP.
- Proposed development will adversely impact upon the character of the area.
- Public Transport not accessible from proposed site.
- Site not large enough for 90 dwellings and a care home.
- Proposed railway bridge will be isolated raising concerns in relation to public safety.
- Parklands (to the south) are executive homes with related values, the noise and disturbance of construction would be detrimental.
- Dementia care homes should be situated in noise and disruption free area.

**Non-material objections**

- Will result in loss of views.
- Proposal will devalue existing property prices.

**Comments on Representations received:**

Comments noted and will be considered in the conclusion to this report.

**CONSULTATIONS**

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

**Consultations responses received:**

Below is a summary of consultation responses received. Full comments can be found on the Arun District Council website.

**SOUTHERN WATER:**

- The results of an initial desk top study indicates that Southern Water currently cannot

accommodate the needs of this application without the development providing additional local infrastructure. The proposed development would increase flows into the wastewater sewerage system and as a result increase the risk of flooding in and around the existing area, contrary to paragraph 109 of the National Planning Policy Framework.

- Should the Local Planning Authority be minded to approve the application, Southern Water would like the following condition to be attached to any permission. "Development shall not commence until a drainage strategy detailing the proposed means of foul disposal and a implementation timetable, has been submitted to and approved in writing by, the local planning authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable."

**WSSC FLOOD RISK MANAGEMENT:**

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

**EMERGENCY PLANNING:**

- The FRA is considered to be professionally comprehensive and the risks duly considered and provided for.

**ENGINEERS (DRAINAGE):**

- The surface water drainage strategy is broadly acceptable, infiltrate where possible, such as in car park areas, and discharge to greenfield rates to a watercourse. Soakage must be investigated further to maximise the amount draining to ground. Three metre easements are required to watercourses, in accordance with our land drainage byelaws and planning conditions.
- Surface water to be discharged to SuDS system.
- Please apply standard conditions ENGD2A, ENGD3A, ENGD4A, ENGD5A and ENGD6A.

**ENVIRONMENT AGENCY:**

- The proposed development will only meet the requirements of the NPPF if the measures as detailed in the Flood Risk Assessment (March 2017) submitted with this application are implemented and secured by way of a planning condition on any planning permission.

**WSSC STRATEGIC PLANNING:**

- Revised modelling has been provided by the applicant for the A259/B2187 Body Shop, the results of which detail sufficient capacity at the junction to accommodate the impacts of the development.
- Discussions have taken place with the applicant and with the WSSC Rights of Way team.
- Improvements to the rights of way within the site should be extended to the full extent of the site and an obligation should be included.
- The provision of a new pedestrian and cycle bridge is proposed over the railway and improvements to PROW 2159 Penfold Lane south of the railway line; PROW 2159 to the west of the site; PROW 2158 between Penfold Lane and Brookside Avenue; and PROW 2160 to the

north of the site. These improvements should be secured via S106 agreement.

- 5 conditions requested relating to access; car parking; cycle parking; CMP; and Travel Plan.

**HIGHWAYS ENGLAND:**

No objection.

**NETWORK RAIL:**

- The applicant correctly identifies that the development proposal will have a considerable impact on the level crossing at Brook Lane. There is also an additional application on land east of Brook Lane (A/11/17/OUT) and the cumulative impact of both developments will be severe.
- Network Rail considers the seeking of contributions to mitigate safety risk to be reasonable for a proposal, which at this stage of the assessment, will likely result in significant increased usage at the crossing.
- In light of the two applications coming forward we believe the only fair solution is for both applications to share the cost. It is therefore Network Rail's recommendation that the footbridge be constructed prior to the beneficial occupation of either development.

**ECOLOGY ADVISOR:**

- The proposed mitigation in the 'Bat Survey and Mitigation Report - May 2017' is acceptable.
- Following submission of the 'Water Vole Mitigation and Method Statement - May 2017' it is considered that the proposed mitigation is suitable.
- The mitigation measures proposed by the 'Reptile Survey (2017)' are suitable and should be conditioned.
- Prior to commencement a badger survey should be undertaken to ensure badgers are not using the site.
- Works to trees or vegetation clearance on the site should be undertaken outside of the bird breeding season (1st March - 1st October). If works are carried out within this time an ecologist will need to check the site before any works take place (within 24 hours).
- A number of conditions were also requested.

**GREEN SPACE:**

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

**COUNCIL'S TREE OFFICER:**

- Overall I am happy with the principle of development at this location but do have some reservations over the retention of high and moderate graded trees on this site and to afford them full protection at the detailed stages I will be recommending that a TPO is made to protect the better trees and groups.
- I find that the base data submitted in support of this outline application is acceptable and supportable and I would therefore recommend APPROVAL subject to relevant Conditions being applied to this project when it comes back in at the detailed stage.

ENVIRONMENTAL HEALTH:

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

ARCHAEOLOGY ADVISOR:

- I agree with the desk-based assessment with regard to the potential for as yet unknown heritage assets of archaeological interest to be present. I also agree with the recommended process of archaeological evaluation by trial trenching following by suitable measures to mitigate the effect of the development on important remains thus identified and publication of the results.
- Condition proposed to ensure this is achieved.

NATURAL ENGLAND:

- No objection - Based on the plans submitted, Natural England consider that the proposed development will not have a significant adverse impacts on designated sites and has no objection.

NHS:

- Contribution of £145,512 requested.

ECONOMIC DEVELOPMENT:

- No objection - We would ask that the developer produces a work and skills plan and also works with local businesses on their supply chain.

SUSSEX POLICE:

- No objection received.
- No financial contribution requested due to size of the scheme and pooling restrictions.

**Comments on Consultation responses:**

Comments noted and relevant conditions included in recommendation report.

**POLICY CONTEXT**

Designation applicable to site:

Outside built area boundary

Right of Way

**DEVELOPMENT PLAN POLICIES**

|                                                |                       |                                                 |
|------------------------------------------------|-----------------------|-------------------------------------------------|
| <a href="#">Arun District Local Plan 2003:</a> | <a href="#">GEN12</a> | Parking in New Development                      |
|                                                | <a href="#">GEN18</a> | Crime Prevention                                |
|                                                | <a href="#">GEN2</a>  | Built-up Area Boundary                          |
|                                                | <a href="#">GEN23</a> | The Water Environment                           |
|                                                | <a href="#">GEN28</a> | Trees and Woodlands                             |
|                                                | <a href="#">GEN29</a> | Nature and Conservation Across the District     |
|                                                | <a href="#">GEN3</a>  | Protection of the Countryside                   |
|                                                | <a href="#">GEN32</a> | Noise Pollution                                 |
|                                                | <a href="#">GEN7</a>  | The Form of New Development                     |
|                                                | <a href="#">GEN8</a>  | Development and the Provision of Infrastructure |
|                                                | <a href="#">GEN9</a>  | Foul and Surface Water Drainage                 |

Publication Version of the Local  
Plan (October 2014):

|                                                    |                                                                   |
|----------------------------------------------------|-------------------------------------------------------------------|
|                                                    | C SP1 Countryside                                                 |
|                                                    | D DM1 Aspects of Form and Design<br>Quality                       |
|                                                    | D SP1 Design                                                      |
|                                                    | ECC DM1 Renewable Energy                                          |
|                                                    | ENV DM4 Protection of Trees                                       |
|                                                    | ENV DM5 Development and Biodiversity                              |
|                                                    | ENV SP1 Natural Environment                                       |
|                                                    | H DM1 Housing Mix                                                 |
|                                                    | H SP2 Affordable Housing                                          |
|                                                    | H SP5 Traveller & Travelling Showpeople<br>Accommodation          |
|                                                    | LAN DM1 Protection of Landscape<br>Character                      |
|                                                    | QE DM1 Noise Pollution                                            |
|                                                    | QE SP1 Quality of the Environment                                 |
|                                                    | SD SP1 Sustainable Development                                    |
|                                                    | SD SP2 Built-Up Area Boundary                                     |
|                                                    | W DM1 Water Supply and Quality                                    |
|                                                    | W DM2 Flood Risk                                                  |
|                                                    | W DM3 Sustainable Urban Drainage<br>Systems                       |
|                                                    | W SP1 Water                                                       |
| Angmering Neighbourhood Plan 2014 POLICY<br>EH2    | Protect the Landscape setting of the South<br>Downs National Park |
| Angmering Neighbourhood Plan 2014 POLICY<br>EH3    | Flood Prevention                                                  |
| Angmering Neighbourhood Plan 2014 POLICY<br>HD1    | Built-up Area Boundary                                            |
| Angmering Neighbourhood Plan 2014 POLICY<br>HD3    | Housing Mix                                                       |
| Angmering Neighbourhood Plan 2014 POLICY<br>HD4    | Materials                                                         |
| Angmering Neighbourhood Plan 2014 POLICY<br>HD5    | Built Form                                                        |
| Angmering Neighbourhood Plan 2014 POLICY<br>HD6    | Housing Layout & Design                                           |
| Angmering Neighbourhood Plan 2014 POLICY<br>HD7    | Housing Density                                                   |
| Angmering Neighbourhood Plan 2014 POLICY<br>HD8    | Parking for New Developments                                      |
| Angmering Neighbourhood Plan 2014 POLICY<br>HD9    | Phasing of Residential Development                                |
| Angmering Neighbourhood Plan 2014 POLICY<br>TM2    | Cycling Walking & Equestrian                                      |
| Littlehampton Neighbourhood Plan 2014 Policy 2     | A Spatial Plan for the Town                                       |
| Littlehampton Neighbourhood Plan 2014 Policy<br>22 | Design of New Development                                         |
| Rustington Neighbourhood Plan 2014 Policy 2        | Housing Design                                                    |
| Rustington Neighbourhood Plan 2014 Policy 4        | Sustainable Drainage                                              |

**PLANNING POLICY GUIDANCE**

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

**SUPPLEMENTARY POLICY GUIDANCE**

|      |                                   |
|------|-----------------------------------|
| SPD1 | Open Space & Recreation Standards |
| SPD6 | Archaeology                       |

**POLICY COMMENTARY**

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

A new Local Plan is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015. The Examination into the submitted plan was commenced but is currently suspended whilst Arun District Council addresses matters raised by the Inspector.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these is taking place 10 April 2017 to 5pm on Tuesday 30 May 2017. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification may also be material consideration to take into account.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used are material considerations in the determination of this planning application. The emerging Plan was submitted in January 2015 and the examination is currently suspended. The examination is due to re-commence in summer 2017 following publication of modifications to the Plan.

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

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area 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. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications.

Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

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

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

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

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

#### **DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND**

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

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

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

#### **OTHER MATERIAL CONSIDERATIONS**

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

Where the development plan is absent, silent or the relevant policies are out of date, paragraph 14 of the Framework states that the presumption in favour of sustainable development requires the granting of planning permission, unless any adverse impacts of doing so would significantly

and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.

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

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

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

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

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

## **CONCLUSIONS**

### **PRINCIPLE**

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

Arun District Local Plan (2003):

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

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

Angmering Neighbourhood Plan (2015):

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

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

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

Littlehampton Neighbourhood Plan (2014):

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

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

Rustington Neighbourhood Plan (2015)

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

Planning Balance:

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

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

"the supply of housing" for the purposes of paragraph 49.

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

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

Currently the Council is unable to demonstrate a 5-year housing land supply as required by paragraph 49 of the NPPF. The primary purpose of paragraph 49 is to act as a trigger to the operation of the tilted balance in favour of approving sustainable development. The Council are currently only able to demonstrate <2 years supply of deliverable housing and as such it is considered by virtue of this significant shortfall that the tilted balance in favour of the grant of permission is triggered unless the benefits are significantly and demonstrably outweighed by the adverse effects of the development as stated in paragraph 14 of the NPPF.

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

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

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

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

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

The Council are currently only able to demonstrate <2 year HLS and as such the policies relating to the supply of housing in Neighbourhood Plans must be considered 'out-of-date' in accordance paragraph 49 of the NPPF and in accordance with the written ministerial statement (published 13th December 2016). It is considered that policy HD2 of the ANP; and Policies 3 and 4 of the LNP constitute policies for "the supply of housing" for the purposes of Paragraph 49 and as such these policies must be considered out of date in the determination of this application and as such reduced weight can be attributed to these policies.

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

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

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

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

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

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

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

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

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

Whilst, the proposed development conflicts with policies SD SP2 and C SP1 it must be considered that the modified eALP (2017) is yet to be examined and adopted and therefore only limited weight can be attributed to the policies contained within 'the modified eALP' at this time.

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

Presumption in favour of sustainable development:

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

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

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

Environmental Role -

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

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

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

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

The nearest operational bus stop is located on the corner of Worthing Road and North Lane situated approximately 570m from the site. However, Manor Retail Park when approved included within its travel plan the provision of a bus stop which would be situated approximately 440m from the application site.

Planning application A/11/17/OUT which seeks permission for the construction of an A1 retail unit

and an A3/A5 unit to the east of the application site proposes a pedestrian link between the application site and Manor Retail Park. Without this pedestrian link there would be no easily accessible route between the proposed development and Manor Retail Park/Rustington Retail Park. Should planning application A/11/17/OUT fail to come forward it is considered that this pedestrian footpath should still be provided. Therefore, a Grampian condition has been included with this recommendation requiring that this footpath must be provided prior to occupation of the dwellings.

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

#### **Economic Role -**

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

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

#### **Social Role -**

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

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

#### **LOSS OF GYPSY/TRAVELLER ACCOMODATION**

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

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

The Gypsy and Traveller Justification Statement states that the Gypsies and Travellers have now

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

It is considered by PBA in their response that there is no longer a valid Gypsy and Traveller planning permission on the Old Stables site, due to the site being no longer occupied or owned by the original applicants who were granted the personal planning permissions. However, it has also been confirmed by PBA that emerging Local Plan policies are currently out of date due to the evidence studies (Gypsy and Traveller and Travelling Showpeople Accommodation Assessment GTAA (2013) and Gypsy, Traveller and Travelling Showpeople Site Selection Study (GTTSSS) (2013) having been undertaken before changes were made to national policy for traveller sites. Therefore, even if the site benefited from a full Gypsy and Traveller permission, it would not be possible to prove that the 'need' for this site still existed.

It is acknowledged that the personal permissions have lapsed and that there is an absence of up to date GTAA and GTTSSS studies. However, these documents are in the process of being updated and it is intended for this work to be completed by January 2018. In light of this it is considered that the LPA must defend their position and secure the retention of existing Gypsy and Traveller uses to avoid creating a shortfall of suitably located Gypsy and Traveller sites within the Arun District. Therefore, it is intended for the provision of 2 no. Gypsy and Traveller plots/sites on the application site to be secured via the S106 agreement. Full details of the wording for this provision will be provided as a report update prior to Committee.

#### **CHARACTER AND VISUAL AMENITY**

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

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

Development has recently taken place to the east of the site up until Mill Lane located to the south of the A259 and north of the railway line with a number of commercial units having been constructed. Further commercial development is also proposed immediately to the east of the application site. Therefore, it is considered that the proposed development will not have an

unacceptably adverse impact on the established character of the immediate locality to the east of the site.

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

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

#### **RESIDENTIAL AMENITY**

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

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

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

#### **AFFORDABLE HOUSING**

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

Given that the application is outline the exact tenure, dwelling type, size and location of the on-site affordable housing cannot be fully agreed. However, the design and access statement proposed a mix of 8 x 1 bed; 16 x 2 bed; and 3 x 3 bed dwellings are proposed. The Council's Housing Strategy and Enabling manager has identified that although the mix is not quite in line with the latest evidence from September 2016 and is slightly skewed towards smaller properties the proposed mix is supported. The design and access statement also identified that the affordable housing will consist of social rented and intermediate ownership which is again considered

acceptable.

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

The applicant proposed that the affordable housing units should be secured via the use of planning condition. However, this was not considered acceptable and as such the affordable housing contribution will form part of the s106 agreement.

#### **ECOLOGY AND BIODIVERSITY**

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

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

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

#### **RENEWABLE ENERGY**

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

#### **DRAINAGE/FLOODING**

The application site is situated primarily within Flood Zone 1 an area of land with low probability of flooding where all land uses are appropriate. However, a portion of the site measuring

approximately 0.6ha in the south eastern corner is situated within Flood Zone 2, with a smaller parcel measuring 0.2ha situated within Flood Zone 3. The indicative layout plan provided shows the proposed buildings being located entirely within Flood Zone 1.

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

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

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

#### **HIGHWAY CONSIDERATIONS**

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

West Sussex County Council strategic planning have also been consulted and stated that additional information was required in the form of revised modelling for the A259/B2187 Body Shop Roundabout. This additional information has been provided to WSCC and it has been confirmed that the development would not have a severe impact upon the Body Shop roundabout.

The indicative master plan has been considered by WSCC and the 4 proposed turning heads within the development would provide satisfactory access for emergency vehicles. The proposed parking provision is in accordance with the WSCC parking demand calculator as well as policy GEN12 of the Arun District Local Plan (2003). Some concerns were raised in relation to the number of visitor parking spaces in the vicinity of dwellings 52-60 this would be a matter for consideration at reserved matters stage. The transport assessment submitted with the application states that cycle provision will be provided in accordance with WSCC guidance with all spaces sheltered and secured.

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

#### **SUMMARY**

The undersupply of housing within the area means that there is a compelling need to find sustainable housing sites that can be delivered in the short/medium term to assist Arun District Council in meeting its housing target. This is considered to be a sustainable form of development in accordance with the NPPF.

The proposed development based upon the details submitted is not considered to result in any

adverse impacts which significantly or demonstrably outweigh the benefits of the proposed scheme in accordance with paragraph 14 of the NPPF. Therefore, despite the proposals location outside of the built up area boundary it is considered that the proposal accords with relevant development plan policy and is recommended for approval subject to the below conditions and the completion of the S106 agreement.

Should the S106 agreement not have been completed within 2 months of the committee meeting on the 23rd August 2017 then it is recommended that authority be delegated to the Group Head of Planning in association with the Chair and Vice-Chair of Development Control Committee to refuse the application for the failure to provide affordable housing and other infrastructure improvements.

#### **HUMAN RIGHTS ACT**

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

Consideration has been specifically given to Article 8 (right to respect for 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 no impacts have been identified upon any protected characteristics.

#### **SECTION 106 DETAILS**

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

##### **ADC CONTRIBUTIONS**

1. Affordable housing - 30% of dwellings to be provided as affordable units.
  - a. Therefore, for a development of 90 dwellings this would equate to 27 dwellings.
  - b. Tenure split - 22 provided for Affordable Rent and 5 of which will be provided as Intermediate Housing.
2. Open Space -
  - a. Submit to the Council an Open Space Scheme for the Open Space within the Development prior to the Commencement of the development.

**3. Play Areas -**

a. Submit to the Council a Play Area Scheme for the Play Areas within the Housing Phase prior to the Commencement of the development of the Dwellings at the Development.

**4. MUGA contribution - Details awaited**

**5. NHS Contribution -**

a. Contribution per dwelling of £945.35 per dwelling up to a maximum of £84,901 for 90 dwellings.

b. The care home hereby approved will make a contribution of £60,611.

**WSSC CONTRIBUTIONS**

1. Footpath improvement contributions - a contribution of £28,000 (index linked) towards improvements to PROW 2159 to make it a convenient walking and cycling route to/from the Railway Bridge, including to scrape and grade the existing surface and lay stone, such as DoT1 which will form a robust year round usable surface for all modes.

2. Fire and Rescue Contribution - a contribution which will be calculated at reserved matters stage and paid in instalments towards the cost of community fire link smoke detectors for vulnerable persons homes in the parish of Angmering.

3. Library Contribution - a financial contribution which will be calculated at reserved matters stage and paid in instalments towards a project to enhance library space with improved digital access at Angmering Library.

4. Primary School Contribution - a contribution which will be calculated at reserved matters stage and paid in instalments towards the cost of a permanent solution to the temporary accommodation at Georgian Gardens Community Primary School.

5. Secondary Education Contribution - a contribution which will be calculated at reserved matters stage and paid in instalments towards the cost of providing additional facilities at The Angmering School.

6. Further Education Contribution - a contribution which will be calculated at reserved matters stage and paid in instalments towards the cost of additional facilities for further education at The Angmering School sixth form.

**NON-FINANCIAL OBLIGATIONS**

1. Provision of the Care Home on site prior to the occupation of X% dwellings. Details to be negotiated and will be provided as a report update prior to committee.

2. Retention of 2 no. Gypsy/Traveller pitches on site for a period of 3 years. Full details to be confirmed and will be provided as a report update prior to committee.

**RECOMMENDATION**

**APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT**

- 1 Before any phase of the development begins, written approval shall first be obtained from the local planning authority for details of appearance, landscaping, layout, scale and

access. (hereinafter referred to as 'the reserved matters') relating to that phase, and thereafter the development shall be carried out in accordance with the details as approved for each phase of development.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

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

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

- 3 The development hereby permitted shall begin not later than two years from the date of approval of the first of the reserved matters to be 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).

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

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

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

· Location Plan - Dwg 1709-01K

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

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

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

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

submitted by the applicant and approved by the Planning Authority.

Reason: The site is of archaeological significance in accordance with Arun District Local Plan Policy GEN7.

- 8 Development shall not commence until full details of the proposed surface water drainage scheme, for that phase or sub phase of the development have been submitted to and approved in writing by the Local Planning Authority.

The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, the recommendations of the SuDS Manual produced by CIRIA.

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

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

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

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

- 10 No development for any phase or sub phase of the development shall proceed until formal consent has been approved in writing from the Lead Local Flood Authority (WSCC) or its agent (ADC) for the discharge of any flows to watercourses, or the culverting, diversion, infilling or obstruction of any watercourse on the site.

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

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

- 11 Development of any phase or sub phase shall not commence until full details of the maintenance and management of the SuDS system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include (a) details of financial management of the site including arrangements made in the event that the management company (or any subsequent management company) is no longer able to fulfil its duties; and (b) arrangements for the replacement of major components at the end of the manufacturers recommended design life.

Reason: To ensure the efficient maintenance and on-going operation of the SuDS system and to ensure the best practice in line with guidance set out in 'The SuDS Manual' CIRIA publication ref: C753 Chapter 32. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

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

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

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

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

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

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

Reason: To ensure that the duties and responsibilities, as required under the Land Drainage Act 1991, and amended by the Flood and Water Management Act 2010, can be fulfilled without additional impediment following the development completion.

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

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

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

Network Rail and West Sussex County Council.

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

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

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

- 17 External lighting in association with this development shall comply with the Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light, Obtrusive Light Limitations for External Lighting Installations, Zone 3.

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

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

The Plan shall provide for :

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

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

The Construction Management Plan shall also incorporate details of environmental

enhancements on site. This should include;

- A wildlife area onsite;
- Tree replacement programme so there is no net loss of trees onsite;
- Hedgerow enhancement with native planting;
- Native species planting scheme within the landscaping design;
- Log piles incorporated;
- Bird and bat boxes installed.

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

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

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

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

- 20 Development on site shall be carried out in strict accordance with the 'Bat Survey and Mitigation Report - May 2017'.

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

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

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

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

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

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

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

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

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

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

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

- A schedule of Site Monitoring/Supervision visits and Reporting Procedures prepared by an Arboricultural Expert will be required and their extent will be agreed on at the site meeting to the satisfaction of the Arun DC Tree Officer.
- If there is deemed to be a need for any Utility Service Route connections to bisect retained tree Root Protection Areas/Zones then prior to their installation a Method Statement prepared by an Arboricultural Expert must be submitted that stipulates how this can be achieved without adverse impact on tree roots. Written approval and confirmation of acceptance of this Methodology must be issued before any works are commenced out on site.

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

- 26 At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low-carbon energy sources or equivalent fabric first

standards that would secure a 10% reduction in energy use. No development above damp proof course (DPC) level shall take place unless and until details and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented in accordance with the approved timetable and retained as operational thereafter, unless otherwise agreed in writing by the local planning authority.

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

- 27      INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.
- 28      INFORMATIVE: This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a trees for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0845 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.
- 29      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.
- 30      INFORMATIVE: The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. The applicant/developer should contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk) in order to progress the required infrastructure.
- 31      INFORMATIVE: A formal application for connection to the water supply is required in order to service this development. Please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk).
- 32      Details for the storage of waste on the premises shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

Reason: To protect the amenities of nearby residents in accordance with Arun District Local Plan policy GEN7.