

Recommendation Report for Planning Permission

REF NO:	A/46/19/PL
LOCATION:	Land North of Mayflower Way Angmering BN16 4AY
PROPOSAL:	Erection of 24 No. dwellings with garaging & open resident & visitor parking with new access from Mayflower Way. Provision of hard & soft landscaping & open space, foul & surface water drainage systems & other associated works.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal relates to the provision of eight 2 bedroom houses, ten 3 bedroom houses and six 4 bedroom houses. The 2 and 3 bedroom houses will be constructed as semi-detached units and terraces and the four bedroom houses will all be detached with integral garages and driveway parking. All dwellings would be 2 storeys, though some have steeper slopes and higher ridge heights. Cycle parking will be accommodated within purposes built stores in rear gardens for those units which have no garage provision. The application includes 61 car parking spaces including garages.
SITE AREA	0.94 hectares
RESIDENTIAL DEVELOPMENT DENSITY (NET)	26 dwellings per hectare
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development. The most significant trees are located on the western and southern boundaries, none of which are of such individual or group value to justify the making of a Tree Preservation Order. The linear group of Monterey Cypress and Poplar represent an established landscape feature and are clearly visible from the A259 but they are not a viable long-term proposition.
BOUNDARY TREATMENT	The site is enclosed by wire fencing
SITE CHARACTERISTICS	The site comprises vacant land and much is devoid of vegetation.
CHARACTER OF LOCALITY	The area is part of a suburban setting with mixed uses consisting of car sales to the east and storage to the north of the application site as well as residential development to the south-east, south-west and north. Public open space is situated to the west of the site.

RELEVANT SITE HISTORY

A/71/13/	Continuance of use without compliance with condition no 1 imposed under planning reference no: A/35/10/ relating to an extension for a further temporary period of 3 years for car body repairs & spraying	ApproveConditionally 02-08-13
A/29/13/	Change of use from sales building to vehicle workshop including new additional MOT facilities/status and new vehicular doorway to the north elevation	ApproveConditionally 05-04-13
A/103/12/	New workshop and office building	ApproveConditionally 19-11-12

REPRESENTATIONS

REPRESENTATIONS RECEIVED:**4 Objections**

The site is not currently used for sorting & recycling inert waste. There is no permission for such use. What plans are in place for dealing with contamination on this site?

The soak-away is within 20 meters of a watercourse. The soak-away capacity is insufficient.

The plans show there is a swimming pool north of the skate park. There isn't.

There are trees on this site which have the potential to support roosting bats.

Who would be responsible for road repairs?

There have been issues with other developments in Angmering where roads are not cleaned sufficiently during construction, this should be a condition.

Some of the houses have oversized roofs. These would be overbearing and unnecessary.

No lighting linking Rowan way/Parsons Close and A259. Can any be included in this application?

The existing kennels house up to 36 dogs and 28 cats and would have its nearest kennel within 15m of plot 17. With housing so close there will inevitably be barking, especially at night which could cause disturbance to residential amenity. The close proximity to residential properties may jeopardise this existing business. Methods of reducing noise transfer should be included. Planting fast growing conifers, N/E of the site, along the boundary line and providing as much distance as possible from our the boundary to the closest residences.

How will Japanese Knot-weed be dealt with?

The road should be adopted by the site owners and not be a burden on the Parish funds.

There are asbestos fragments on site. Has the decontamination been addressed?

1 Support from Angmering Community Land Trust

This scheme at Mayflower Way is complimentary to application A/219/17/PL which is a scheme for 12 affordable homes on the South side of Mayflower Way. That scheme relies on a donation from the developers of A/46/19/PL and has been negotiated with the help and support of ADC and with a Section 106 Agreement already in place. Would like to see the early approval of the scheme A/46/19/PL in order

to commence construction of adjacent scheme.

COMMENTS ON REPRESENTATIONS RECEIVED:

There is no permission for recycling of inert waste on the site.

Contamination and wheel washing can be controlled by condition.

Drainage has been considered by Engineers.

Repair of roads is a private matter.

Impact of noise generated from existing uses on residential dwellings has been considered and the submission of an acoustic report and mitigation will be controlled by a pre-commencement condition.

Asbestos and Japanese Knotweed removal are controlled by other legislation.

The design of the dwellings is considered acceptable. The varied roof heights add visual interest to the development.

The important contribution the proposal makes to the delivery of the residential approval on the site to the south is acknowledged.

The Ecology Report submitted with the application identified no built structures contained within the site which could be used by bats and no trees within the site or along the boundaries supporting features that could be used by roosting bats.

There is limited foraging potential within the site with only Cypress, poplar and hawthorn trees along two boundaries and no connectivity to areas of higher foraging value.

The lighting of the footpath is on land outside of the applicant's control.

CONSULTATIONS

Ecology Advisor

Arboriculturist

Parks and Landscapes

Engineering Services Manager

WSCC Strategic Planning

NHS Coastal West Sussex CCG

Sussex Police-Community Safety

Highways England

Sport England South East

Surface Water Drainage Team

Environmental Health

Southern Water Planning

Planning and Housing Strategy

CONSULTATION RESPONSES RECEIVED:

Tree Officer - Objection

The retention category ratings for on and off-site trees are agreed.

The removal of such a quantity of mature Monterey trees with high canopy volume in a single episode is ecologically unfortunate and visually dramatic. Their loss will be keenly felt locally, but can be mitigated by committing to an ambitious tree planting programme.

The indicative tree planting positions as shown on the Tree Protection Plan allocate two thirds of the new stock to residential plots. These will be vulnerable to removal or hard pruning, such that their value in mitigation and contribution to the character of the area would be diminished or lost altogether.

The yet to be submitted landscape scheme must propose the introduction of trees with longevity and stature such that they would compensate for the planned loss of G1 to G11. Such a scheme should be approved in advance of and conditioned as part of any approval.

Southern Water - No Objection . Informative requested.

Sussex Police - No Objection

Affordable Housing Officer - No Objection

The applicant proposes a scheme of 24 dwellings which would ordinarily include a 30% proportion of affordable housing. In this instance, as set out by the applicant, an agreement is in place for the applicant to provide a payment to the Council in lieu of the on-site contribution of £80,000 for each foregone affordable dwelling which totals £576,000.

This sum will assist the Council to enable the development of affordable housing on the site south of Mayflower Way in conjunction with Angmering Community Land Trust.

Provided the above payment is made I have no objection to the development.

County Highways - No Objection

the proposals would not have a 'severe' residual impact on the highway when applied to Paragraph 108 of the NPPF. Any approval of planning permission would be subject to conditions relating to access a Construction Management Plan and Visibility.

County Engineers - No Objection

Highways England - No Objection

Drainage Engineer - No Objection.
Conditions requested.

Ecology Officer - No Objection. Conditions requested.

Sport England - No Objection

Environmental Health - No Objection

On the basis that operation of existing businesses to the immediate east of the proposed site is likely to result in noise to the detriment of new residents of the proposed dwellings.

Request a pre commencement condition relating to submission and approval of an appropriate Acoustic Report is imposed which identifies noise sources in the vicinity of these new homes and mitigation measures which will be provided. The scope and extent of such a report is to be agreed with the Planning Authority before its commission. Imposition of other conditions is requested.

Landscape Officer - Objection

Developments of 7 dwellings or more are expected to provide open space on site. With the amount of units proposed this site would trigger an onsite LAP unequipped, natural with seat and bin. Open space should work with the design principles of the site and should incorporate natural existing features, for sense of place and be a valuable addition to the development.

The Open space indicated at present lies to the North of the site and would not appear to provide much benefit to the development as a whole. The open space would be better suited more centrally within the development where also it could accommodate better the mitigation trees which will need to be introduced for those which are proposed to be lost.

The houses which front Mayflower Way are shown to sit very close to this boundary frontage. A green buffer here would also be preferable setting back the properties from the road and where presently a significant tree cover exists. The reliance on trees into the private dwelling gardens must not be relied upon as these are unlikely to thrive and risk being removed. New trees will need to be given the appropriate growing space.

Existing trees or vegetation that fall within the proposed or periphery of the development, may provide significant aesthetic impact to the location. Any trees in particular along the boundaries, which adjoin neighbouring properties could provide potential valuable screening and should be protected and retained. Any considered tree works within the site should be agreed with Arun's Tree Officer. The application has included a Landscape and Tree Planting Strategy Plan but only indicative proposals for landscaping. A detailed landscape scheme will be required in plan form to show species choice, actual quantities, planting densities and size at time of planting. These will need to be plotted in plan and list form and in relation to the trees and vegetation to be retained so that a clear picture of the proposals can be seen. These details are required to ensure that appropriate planting is provided, maintaining and uncompromising the setting and ensuring that the proposals fit within the area.

COMMENTS ON CONSULTATION RESPONSES:

- Tree planting and retention is included in the Planning Obligation and contributions are included towards provision of tree planting outside the site.
- The submission of an acoustic report is a pre-commencement condition.
- The lack of adequate on site open space needs to be considered against the need for the scheme to provide the number of units identified to facilitate the development on the opposite side of Mayflower Way by the Community Land Trust. Although the space is lower than desired by guidance, the site is adjacent to public open space which will benefit from the proposal since contributions will be derived from the development which will go made towards improvements to the quality of the open space.

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area Boundary

Allocated Housing Site in the Neighbourhood Plan

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
CSP1	C SP1 Countryside
AHSP2	AH SP2 Affordable Housing
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
OSRDM1	Protection of open space,outdoor sport,comm& rec facilities
HWBSP1	HWB SP1 Health and Wellbeing
QEDM4	QE DM4 Contaminated Land
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QESP1	QE SP1 Quality of the Environment

TSP1	T SP1 Transport and Development
DSP1	D SP1 Design
ENVDM5	ENV DM5 Development and biodiversity
SDSP2	SD SP2 Built-up Area Boundary
WDM3	W DM3 Sustainable Urban Drainage Systems

Angmering Neighbourhood Plan 2014 POLICY HD1	Built-up Area Boundary
Angmering Neighbourhood Plan 2014 POLICY HD2	Parish Housing Allocation
Angmering Neighbourhood Plan 2014 POLICY HD3	Housing Mix
Angmering Neighbourhood Plan 2014 POLICY HD4	Materials
Angmering Neighbourhood Plan 2014 POLICY HD5	Built Form
Angmering Neighbourhood Plan 2014 POLICY HD6	Housing Layout & Design
Angmering Neighbourhood Plan 2014 POLICY HD7	Housing Density
Angmering Neighbourhood Plan 2014 POLICY HD8	Parking for New Developments
Angmering Neighbourhood Plan 2014 POLICY HD9	Phasing of Residential Development

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

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

The 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.

Made Plans in Arun District Council's Local Planning Authority Area are: Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Yapton. Policies HD1, HD2 and HD7 of Angmering Neighbourhood Plan are considered relevant to determination of the application.

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 comply with relevant Development Plan policies in that it would have no materially adverse impact on the residential amenities of neighbouring properties or the visual amenities and character of the area and will help to facilitate the approved affordable housing scheme to the south

of the site.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

PRINCIPLE

The site lies outside the built up area boundary as specified by policy SD SP2 of Arun Local Plan. However, Policy HD1 of the Angmering Neighbourhood Plan extended the built up area boundary to incorporate the site. The Angmering Neighbourhood Plan also identifies the site in policy HD2 as a residential development site to bring forward at least 16 dwellings.

By virtue of the proposals compliance with policy HD1 and HD2 of the Angmering Neighbourhood Plan it is considered that the principle of development is acceptable.

IMPACT ON CHARACTER AND VISUAL AMENITY

Policy D SP1 of the Arun Local Plan states that development should seek to make efficient use of land but reflect the characteristics of the site and local area, in matters such as layout, density, scale, mix, character, landscaping, materials, finish and architectural details. It also states that proposals should adhere to objectives informing sustainable design e.g. attractiveness, inclusivity, security and climate change.

Local Plan policy D DM1 looks at aspects of form and design quality, including character, attractiveness, innovation, residential amenity impact, adaptability, density, scale, trees, crime prevention. New buildings should be harmonious with their surroundings and successfully integrate with the existing surrounding environment.

The site is unused and the western, northern and eastern boundaries are contained by poor quality trees and other vegetation; and to the west of the site lies an extensive area of public open space adjacent to the Angmering School, accessed from the end of Mayflower Way. Commercial uses lie adjacent to the site's eastern boundary, again accessed from Mayflower Way; and Shrublands Nursery lies directly to the north of the site, beyond overhead power lines that run east-west. Existing housing lies along the southern side of Mayflower Way, together with the allocated land owned by the Parish Council that now has full planning permission under ref. A/219/17/PL for 12 affordable dwellings, to be delivered by the Angmering Community Land Trust. The site is therefore adjacent to existing and proposed residential uses and the use would be in keeping with the character of the area. The existing mature planting on the southern and western boundaries is shown as being removed on the submitted plans. However, it is considered that suitable landscaping scheme could be prepared to mitigate the impact of the development upon the character of the locality. The proposed dwellings will be suitably set back from Mayflower Way so as to avoid unacceptable harm to the character of the street scene.

The National Planning Policy Framework (NPPF) paragraphs 122 and 123 set out advice aimed at 'Achieving appropriate densities', making it clear that planning policies and decisions should support development that makes optimal and efficient use of land; and should avoid housing being built at low densities. The application site is in an accessible and sustainable location relative to facilities, services and public transport infrastructure in Angmering and in the Littlehampton/Worthing area; and the application proposal will make efficient use of Previously Developed Land.

Part 12 of the NPPF deals with 'Achieving well-designed places'. Paragraph 124 confirms that good

design is a key aspect of the sustainable development; creates better places to live; and helps to make development acceptable to communities. Paragraph 127 confirms that planning policies and decisions should ensure developments function well and add to the overall quality of an area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history; establish a strong sense of place; optimise the potential of a site to accommodate an appropriate amount and mix of development; and create places that are safe, inclusive and accessible, with a high standard of amenity. The proposal accords with this advice in that the layout would ensure it is well integrated with surrounding uses and incorporates adequate landscaping. The dwellings proposed on the site's southern boundary will also present a high quality street scene on Mayflower Way, where none currently exists. The National Design Guide (para 40) defines well-designed new development as development which responds positively to the features of the site itself and the surrounding context. The houses adjacent to the site are 2 storeys with pitched roofs and the proposal maintains the character and scale of the area, given that it has been designed to be 2 storeys with pitched roofs and is a domestic in character and appearance.

The proposed dwelling elevations have been designed with variations in external materials and finishes; and will present a varied 'street frontage' of different styles and designs along Mayflower Way and the access road, reflecting the best architecture found in the locality. The proposed dwellings will be provided with private rear gardens and landscaped areas to the front.

The proposal would accord with policy D SP1 of Arun Local Plan which deals with design generally, requiring proposals to make efficient use of land in the context of their surroundings and site characteristics; and in terms of the layout, landscaping, density, mix, scale, massing and character of development and its materials, finish and architectural details. Policy D DM1 requires housing proposals to make the best and most efficient use of land, providing for a mix of dwelling types and densities whilst respecting local character and amenity. The density of 26 dwellings per hectare represents an efficient use of the land.

Policy HD3 of Angmering Neighbourhood Plan deals with the mix of housing on sites proposed for more than six dwellings and encourages the delivery of more smaller and fewer larger dwellings, citing evidence from the District's SHMA which recommends a mix of 5-10% one bedroom dwellings; 25-35% two bedroom dwellings; 45-55% three bedroom dwellings; and 10-15% dwellings with four bedrooms and more. The application proposes 33% two bedroom dwellings, 41% three bedroom dwellings and 25% four bedroom dwellings and therefore complies broadly with Neighbourhood Plan policy.

Policy HD4 deals with the use of materials in development, generally requiring these to reflect local features and materials. The proposal refers to the use of brick work, flint work, tile hanging weatherboarding and render. Precise materials are to be controlled by condition, but the palette of materials proposed would ensure the development is visually interesting and reflects the materials used in other recent developments nearby. Policies HD5 and HD6 deal with the built form of development and housing layout and design, generally encouraging integration with the character of surrounding development; high quality design incorporating traditional built forms; and the use of high quality materials and soft landscaping. The application proposal complies with these policies. The dwellings are 2 storey with pitched roofs and pitched roof dormers which reflect design features of the nearby Bramley Green development. They are also a mix of dwelling type, design and profile which provides visual interest and ensures the development is in keeping with the character of the area.

Policy HD7 deals with housing density, generally requiring development within the built up area of Angmering to be of a density appropriate to its surroundings. The density of development proposed by the application is around 26dph. This compares favourably with the density envisaged for the 3 hectares of developable land allocated for 66 dwellings by Neighbourhood Plan Policy HA1, of which the application site roughly comprises a third. Development situated to the south of Bramley Way (north of

the site) is at a density of approximately 40dph significantly higher than that proposed at this site. Although it should be noted that the existing character on Mayflower Way consists of commercial development and some detached or semi-detached residential properties. The residential development on the corner of Mayflower Way and Roundstone Lane is at a density of 6.15 dph and the development to the south-west of the site has a density of approximately 16.6dph. The density of the area is varied and that proposed would therefore reflect and not exceed the highest density of adjacent sites and despite the existing lower density on Mayflower Way the proposed density is considered acceptable and is not deemed to adversely impact upon the character of the locality.

RESIDENTIAL AMENITY

Policy D DM1 of the Arun Local Plan that new development will have minimal impact to users and occupiers of nearby property and land, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance.

Policy QE SP1 of the Arun Local Plan states that the Council requires all development contributes positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity. The site is adjacent to existing commercial uses and therefore the proposal would need to accord with policy QE DM1 of Arun Local Plan which seeks to safeguard the continued use of existing commercial uses.

The proposed residential development is bordered to the north and east by commercial uses and to the west by Mayflower Park. Therefore, it is considered that the proposed residential development will not give rise to any unacceptably adverse impacts on the amenity of neighbouring uses in terms of overbearing or overlooking impacts. With regard to the development itself, there would be potential overlooking between properties specifically from the first floor rear windows of plots 1 and 2 which have a rear garden depth of 9m and face onto the rear garden of plot 24. However the length is only just below the generally recognised rear garden depth of 10m and the rear bedroom window to Plot 2 is 10m from the boundary since the garden access path provides a further metre distance to the garden. The overlooking resulting from plot 1 would not result in a material loss of privacy. The Council has no current rules on the relationship between dwellings. However, the emerging Arun Design Guide (which has not yet been adopted) proposes for habitable rooms, a distance of 21m for back to back arrangements, 14m for back to side arrangements and 16m for front to front arrangements. The proposal is largely compliant with this guidance if the garages are deleted from the measurements the only plot which does not meet these distances is plot 6 which is 11m side to rear with Plot 8 instead of 14m, but since this is within the development it is considered acceptable.

The dwellings are of sufficient size so as to exceed the requirements of the Nationally Described Space Standards and would therefore be acceptable in terms of the residential amenity of proposed occupiers and would be compliant with policy DDM1 of Arun Local Plan.

However the provision of residential dwellings in close proximity to some existing adjacent commercial uses would result in noise generation which could cause a nuisance to future occupiers of the dwellings, particularly Plot 17 which is 12m from the boundary with a kennels. There is also the impact of the proposed road widening of the A259 which will result in an increase in road traffic noise and will bring the noise generation closer to the site boundary. It has been agreed with the environmental health officer that a pre-commencement noise report will be imposed to ensure appropriate noise mitigation is provided on this basis the proposal would be compliant with policies D DM1 and QE DM1 of Arun Local Plan.

AFFORDABLE HOUSING

The site is located to the south of allocated land owned by the Parish Council that now has full planning permission under ref. A/219/17/PL for 12 affordable dwellings, to be delivered by the Angmering

Community Land Trust. The applicant has worked closely with Angmering Parish Council and the Angmering Community Land Trust to agree terms whereby they will pay the Parish Council a financial consideration for the right to access the application site from Mayflower Way (which is owned by the Parish Council); and pay Arun District Council a financial contribution to be used by a Community Land Trust to deliver affordable housing within Angmering Parish. The affordable housing provision is the subject of a S106 Agreement which has been signed as part of the application process. The agreement ensures the applicant provides a payment to the Council in lieu of the on-site contribution of £80,000 for each foregone affordable dwelling which totals £576,000. This sum will assist the Council to enable the development of affordable housing on the site south of Mayflower Way in conjunction with Angmering Community Land Trust which was the subject of planning permission A/219/17/PL. The applicant has successfully delivered affordable housing on other schemes within Arun District. The proposal is therefore compliant with policy AH SP2 of Arun Local Plan.

HIGHWAY ISSUES

The proposal incorporates vehicular access to the site is to be provided from Mayflower Way and the site layout has been designed in accordance with current design guidance 'Manual for Streets' . The application is supported by a Transport Statement. A 5m spine road runs north to south through the site, flanked by a 1.5m wide footway on the eastern side of the carriageway and 1m service margin to the west. A turning head provided at the northern site boundary, and a secondary turning head provided on the northern cul-de-sac enable turning by emergency vehicles. A total of 61 car parking spaces are provided to accommodate the anticipated parking demand which County Highways have accepted as sufficient and which also meets the Arun parking standards and accords with policy T SP1 of Arun Local Plan.

LANDSCAPING AND TREES

The application is supported by a Tree Protection Plan and Arboricultural Assessment and Method Statement. There are trees within the site which provide important screening, but are not of any visual merit, their removal and replacement with healthier and more suitable species with a greater life expectancy would therefore be supported. A landscaping condition has been imposed to ensure that appropriate planting is provided. The landscape strip will have native hedging along its western and eastern boundaries; will be planted with a number of individual trees; will incorporate a mown grass path for informal access and enjoyment; and existing trees felled on site will be arranged into log piles and 'stepping stones' for informal seating, informal children's play and to act as reptile habitat/refugia/hibernacula. The site's open space and other elements of 'green infrastructure' and trees planted as part of the same will be managed by a private management company. The sale of houses on site will be subject to restrictive covenants prohibiting the removal of trees within domestic curtilages and on the site's frontage with Mayflower Way. The 'fine detail' of the site's hard and soft landscaping, open space, other elements of 'green infrastructure' and tree planting; and the management/maintenance/safeguarding of the same are covered by the S106 Agreement.

A 15m - 2m wide landscaped buffer strip is provided to the northern boundary where existing powerlines cross the site and the dwellings to the rear face this strip which will provide a pleasant outlook for occupiers of these units. The space cannot be considered as open space given the limitations of its size but a park is situated approximately 56m to the west of the proposed site access. A commuted sum towards improvements at the adjacent park is the subject of an Agreement which is being signed as part of this approval.

The recently adopted Arun Space Standards require all developments of 10 or more dwellings to make provision towards sports playing pitches to make provision for and/or contribute to recreation and leisure facilities. The Open Space SPD provides a methodology to enable calculation of the needs for on-site or off-site forms of provision, according to the demand generated by the scale and type of proposed development, and to negotiate the associated land provision, financial contributions and maintenance

costs. Where the necessary space is not provided by the developer and there are no alternative schemes within an appropriate distance from the site to which the developer can contribute towards, planning permission should not be granted. The proposal would generate a demand for public open space on site, an off-site provision for allotments and on site play space (LAP) and off site financial contribution for a LEAP and NEAP.

However the Supplementary Planning Document Open Space, Playing Pitches, Indoor and Built Sports Facilities dated January 2020 states that there may be occasions when it is not appropriate to provide facilities on-site. In these cases the Council will collect financial contributions from developers and allocate those contributions to specific projects which deliver the Strategic Priorities identified in the document and within Arun District Council strategies and studies which inform the Policy. The strategic nature of the projects means that they will benefit residents across Arun District, not just the occupants of the development which has made the financial contribution.

In lieu of open space provision within the site an appropriate financial contribution £30,000 towards the maintenance and/or improvement of the existing open space immediately to the west of the site, is being delivered via the signed S106 Agreement. This approach is supported by the Parish Council who are party to the Agreement.

Policy HWB SP1 states: "All development should be designed to maximise the impact it can make to promoting healthy communities and reducing health inequalities. In particular regard shall be had to:-

- a. providing or contributing to the necessary infrastructure to encourage physical exercise and health, including accessible open space, sports and recreation facilities (including outdoor fitness equipment) and safe, well promoted, walking and cycling routes.
- b. Creating mixed use development and multi-use community buildings that reduce the need to travel by providing housing, services and employment in close proximity to each other; and
- c. Ensuring that arts and cultural facilities are accessible to all residents and visitors to the District".

It is therefore a requirement, set out within the Arun Local Plan (2018), for new housing development to contribute to new provision within the District in order to mitigate the impact of development. The proposal accords with this policy in that the proposal would provide additional funds to improve an area of existing open space.

ECOLOGY ISSUES

National Planning Policy indicates that developments should aim to maintain and enhance, restore or add to biodiversity and geological resources of the area. Arun Local Plan policy ENV DM5 states that development shall seek to achieve a net gain in biodiversity and protect existing habitats on site.

Development will need to avoid impacts on protected species on a site such as this, and where this is not possible, mitigation or compensation will be necessary. The presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat.

The application includes a Preliminary Ecological Appraisal and a Reptile Presence/Absence Survey Response. A Phase I Ecological Survey has been submitted with the application. The Ecologist has confirmed that the mitigation measures proposed in these Reports are suitable and recommends a planning condition to secure these measures. Subject to satisfactory enhancement which is to be controlled by condition, there would be no unacceptable adverse impact on protected species. These enhancement measures are proposed to increase the site's biodiversity value in accordance with Local Plan Policy ENV DM5.

SUSTAINABLE CONSTRUCTION

Tackling climatic change is a key government priority for the planning system. Applicants for planning permission should consider how well their proposals for development contribute to the Government's ambition of a low carbon economy and how well adapted they are for expected effects of climatic change. Applicants should consider provision of renewable energy in the form of high level insulation, rainwater harvesting and a general minimal energy use, including Carbon Dioxide reduction.

ALP policy ECC SP2 states that:

All new residential...development...will be expected to be energy efficient and demonstrate how they will:

- (a) achieve energy efficiency measures that reflect the current standards applicable at the time of submission
- (b) Use design and layout to promote energy efficiency
- (c) incorporate decentralised, renewable and low carbon energy supply systems, for example small scale renewable energy systems such as solar panels

It is recommended that prior to damp-course level a scheme with details of proposed energy efficiency measures and sustainable construction methods is submitted to and approved by the LPA to meet the National and Local Plan requirements.

LAND CONTAMINATION

As per policy QE DM4 of the Arun Local Plan, development on or close proximity to hazardous sites or contaminated land will be permitted provided the Council is satisfied that appropriate remedial measures can be or have been undertaken in respect of human health and groundwater.

The site has had historic uses related to agriculture and horticultural nurseries which are common in the area, and there may therefore be potential for contaminants in the land such as fertilizers, asbestos etc. As such, the Council's Environmental Health team have recommended that a planning condition be attached advising of the actions to be taken if any contaminated or odorous materials are found to be present on site.

CONCLUSION

The application is therefore recommended for approval subject to the following conditions.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

SECTION 106 DETAILS

The proposal is subject to a Section 106 Agreement relating to payment of contributions for education (£104,125 for Primary, £112,059 for Secondary £26,252 for Sixth Form), libraries £10,898, fire and rescue £873, affordable housing £576,000 and £30,000 improvements to existing open space in Mayflower Park.

RECOMMENDATION

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby approved shall be carried out in accordance with the following approved plans:
1701:1.01 Location Plan
1701:2.10 Site Plan
1701:2.11 Floor Plans
1701:2.12 Elevations Sheet 1 of 2
1701:2.13 Elevations Sheet 2 of 2
1701:2.14 Street Elevations
1701:2.15 Cycle Store

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.
- 3 No development shall commence until the vehicular access serving the development has been constructed in accordance with the approved planning drawing.

Reason: In the interests of road safety and to accord with approved policy in accordance with policy D DM1 of the Arun Local Plan.
- 4 No part of the development shall be first occupied until visibility splays of 2.4 metres by 43 metres have been provided at the proposed site vehicular access onto Mayflower Way in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety in accordance with policies D DM1 and TSP1 of the Arun Local Plan.
- 5 The buildings shall not be occupied until the parking spaces/turning facilities/and garages shown on the submitted plans have been provided and constructed. The areas of land so provided shall not thereafter be used for any purpose other than the parking/turning/and garaging of vehicles.

Reason: To ensure that adequate and satisfactory provision is made for the accommodation of vehicles clear of the highways in accordance with policies D DM1 and TSP1 of Arun Local Plan.

- 6 The buildings shall not be occupied until the cycle parking stores shown on the submitted plans have been provided and constructed. The stores so provided shall be retained in perpetuity and used for the parking of cycles.

Reason: To ensure that adequate and satisfactory provision is made for the accommodation of vehicles clear of the highways in accordance with policy TSP1 of Arun Local Plan.

- 7 The development shall proceed in accordance with the mitigation referred to in the Reptile Presence/ Absence Survey Report (Oct 2017) submitted with the application.

Reason: In the interests of biodiversity to accord with policy ENV DM5 of Arun Local Plan.

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

Reason: In order to safeguard the amenity of nearby residential properties in accordance with policy D DM1 of Arun Local Plan .

- 9 External lighting in association with this development shall comply with Institution of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light, Obtrusive Light Limitations for Exterior Lighting Installations for Zone E3 - Suburban.

Reason: To control the residential amenities of the local environment in accordance with Arun Local Plan policies QE SP1, QE DM2 and D DM1.

- 10 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes to be used for external walls and roofs of the proposed buildings have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the buildings.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policy DDM1 of the Arun Local Plan.

- 11 The dwellings shall not be occupied unless and until the applicant has submitted a scheme for approval by the Local Planning Authority to demonstrate that the houses will incorporate decentralised, renewable and low carbon energy supply systems and use sustainable construction methods. The approved scheme shall thereafter be implemented prior to occupation of the dwelling and any approved renewable energy supply systems shall be permanently retained & maintained in good working order thereafter.

Reason: To ensure that the development is energy efficient, and in accordance with policy ECC SP2 of the Arun Local Plan

- 12 Before first occupation of any dwelling where unacceptably high levels of noise are likely to be experienced, then post validation testing shall be undertaken by a competent person to determine compliance with the acoustic report and BS 8233. This must be submitted to and agreed in writing with the Local Planning Authority prior to occupation.

Reason: In order to safeguard the amenity of local residents in accordance with Policy QE

SP1 of Arun Local Plan .

- 13 Prior to commencement of development details of how the hedgerows on site, which are used by bats for commuting and foraging, are to be retained and enhanced for bats shall be submitted to and approved by the Local Planning Authority. These shall include a buffer strip around the hedgerows (5m) and fencing during construction to be used to ensure this area is undisturbed. Any gaps should also be filled in using native hedge species to improve connectivity. The development shall proceed in accordance with the details so approved.

Reason: In the interests of biodiversity to accord with policy ENV DM5 of Arun Local Plan. This is required to be a pre commencement condition in the interests of protection of the environment and wildlife.

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

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

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

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

- 16 Prior to the commencement of development the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1. A preliminary risk assessment which has identified:
 - all previous uses potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

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

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

Where demolition is required 1. and 2. above should be submitted prior to demolition. Parts 3. and 4. can take place post demolition if necessary.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with Arun Local Plan policies QE SP1 and QE DM4. This is required to be a pre-commencement condition because these details have to be agreed and in place before any work commences.

- 17 Prior to commencement of development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include a "long-term monitoring and maintenance plan" for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

Reason: To protect the environment and prevent harm to human health by ensuring that the remediated site has been reclaimed in an appropriate standard in accordance with Arun Local Plan policies QE SP1 and QE DM4. This is required to be a pre-commencement condition because these details have to be agreed and in place before any work commences.

- 18 No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- details of public engagement both prior to and during construction works.
- An indicative programme for carrying out the works
- The arrangements for public consultation and liaison during the construction works.
- 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.
- Detail of any flood lighting, including location, height, type and direction.

Reason: In the interests of highway safety and the amenities of the area in accordance with policies D DM1 and TSP1 of the Arun Local Plan.

- 19 Prior to commencement of development an Acoustic Report which identifies noise sources in the vicinity of the new homes and appropriate mitigation measures shall be submitted to and approved by the Local Planning Authority. The scope and extent of such a report should be agreed with the Planning Authority before its commission. The works shall proceed in accordance with the details so approved and noise mitigation measures shall be provided prior to occupation and retained in perpetuity. Noise measurement shall be carried out and submitted to the Local Planning Authority for approval before occupation of any residential unit in order to demonstrate the effectiveness of such mitigation works.

Reason: To protect the amenity of local residents in accordance with Policy QE SP1 of Arun Local Plan.

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

Reason: New petrol and diesel cars/vans will not be sold beyond 2040, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with policy QE DM3 (c) of Arun Local Plan, the Arun District Council Electric Vehicle Infrastructure Study (November 2017) and the National Planning Policy Framework.

- 21 No development above damp proof course shall take place until details of Wildflower meadow planting to be incorporated within the scheme have been submitted to and approved by the Local Planning Authority:

The details so approved shall be provided prior to occupation of the dwelling

Reason: In the interests of biodiversity in accordance with policy ENV DM5 of Arun Local Plan.

- 22 No development above damp proof course shall take place until details of the following wildlife habitats and enhancements have been submitted to and approved by the Local Planning Authority:

- bat and bird boxes installed onsite
- log piles provided on site
- Incorporation of gaps at the bottom of the fences to allow movement of small mammals across the site.

The boxes/gaps/log piles so approved shall be provided prior to occupation of the dwellings and retained in perpetuity.

Reason: In the interests of protected species in accordance with policy ENV DM5 of Arun Local Plan.

- 23 INFORMATIVE: Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 40% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the

Council's Engineers.

Supplementary guidance notes regarding surface water drainage are located here <https://www.arun.gov.uk/surfacewater> on Arun District Councils website. A surface water drainage checklist is available here <https://www.arun.gov.uk/drainagechecklist> on Arun District Councils website, this should be submitted with a Discharge of Conditions Application.

- 24 INFORMATIVE: Under Section 23 of the Land Drainage Act 1991 Land Drainage Consent must be sought from the Lead Local Flood Authority (West Sussex County Council), or its agent (Arun District Council land.drainage@arun.gov.uk), prior to starting any works (temporary or permanent) that affect the flow of water in an ordinary watercourse. Such works may include culverting, channel diversion, discharge of flows, connections, headwalls and the installation of trash screens.
The development layout must take account of any existing watercourses (open or culverted) to ensure that future access for maintenance is not restricted. No development is permitted within 3m of the bank of an ordinary watercourse, or 3m of a culverted ordinary watercourse.
- 25 INFORMATIVE : A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read our New Connections Services Charging Arrangements documents which is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructurecharges>.
- 26 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.
- 27 INFORMATIVE: The lighting scheme for the site will need to take into consideration the presence of bats in the local area and the scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding.
- 28 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.
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- 30 INFORMATIVE: You are advised that the submitted Noise Report should:
a) identify all noise sources in the vicinity, also taking into account the planned for road widening scheme along the A259 and adjacent existing business uses, including a permitted new vehicle workshop, yet to be built. Environmental noise monitoring shall take place over a period of not less than 5 days to include a week end and any BS 4142 investigation shall include full onsite logging of weather conditions as required by this standard. Night time measurement shall be required together with full audio monitoring which will be made available to the Environmental Health Department alongside all raw data, in this way to allow

identification of individual episodes of dog barking. A scheme shall then be provided to demonstrate that the internal ambient noise levels within residential units will conform with the 'indoor ambient noise levels for dwellings' guideline values stated in BS 8233: 2014 Guidance on Sound Insulation and Noise Reduction for Buildings' and WHO.

b) demonstrate that the external noise levels within the curtilage of the residential units will conform to the 'design criteria for external noise' upper guidance level of 55dB LAeq, T, as specified within BS 8233: 2014 Guidance on Sound Insulation and Noise Reduction for Buildings and WHO.

Should it be the case that any residential unit cannot comply with the required standards as described in BS 8233: 2014 Guidance on Sound Insulation and Noise Reduction for Buildings' and WHO, then consideration must be given to reorientation of buildings to achieve the desired effect in respect of ProPG:

Planning and Noise 2017 and failing this, to The Agent of Change Principle, paragraph 182, National Planning Policy Framework (NPPF2) 2019 with the aim to protect the amenity of pre-existing businesses