

Recommendation Report for Approval of Reserved Matters Following Outline Approval

REF NO: A/48/22/RES

LOCATION: Land off Arundel Road
Angmering
BN16 4ET

PROPOSAL: Approval of reserved matters following A/122/19/OUT and varied by A/207/21/PL pertaining to the layout, scale, appearance and landscaping for 156 No dwellings. This application is a Departure from the Development Plan and is in CIL Zone 3 (Zero Rated) as new dwellings.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The application seeks reserved matters for 156 dwellings with associated public space, landscaping, parking, ecological mitigation, and infrastructure. Approval of scale, layout, external appearance, and landscaping are sought. The access arrangements were approved by A/122/19/OUT (as amended by A/207/21/PL). The scheme excludes any details of the replacement commercial area in the south-eastern corner so this aspect would represent a later phase.

Of the 156 total, 48 are affordable units (35 affordable rented dwellings & 12 shared ownership). In addition, 17 homes will be built to the M4(2) Building Regulations standard and 5 to the M4(3) disabled suitable standard. These homes are all also part of the affordable housing provision. The scheme includes 320 allocated parking spaces plus an additional 75 garage spaces and 37 visitor spaces. Cycle parking is indicated to either be within cycle storage sheds in rear gardens or in garages. All gardens will have bin storage spaces and there will be bin collection points on the frontages. Plans of the garages are included but not the cycle sheds.

All buildings will be two storeys with no roof accommodation shown. There are 8 flats included but these represent the horizontal subdivision of a dwelling. The building designs are mixed with 18 types including detached, semi-detached and terraced. All of the affordable housing are in house types not found amongst the market housing.

As per the outline permission, the site will have a main vehicular access onto Arundel Road in the north-eastern corner. There is then emergency access via the commercial areas' access in the south-eastern corner of the site (adjacent plot 24). A link path is also shown on the western site boundary between the site and the adjacent public footpath.

Along the northern boundary is a strip of landscaping and earth bunding. There is then an attenuation pond & foul pumping station in the north-western corner.

The layout includes three areas of public open space (POS). Firstly, a large 2.1 hectare sports pitch in the south-western corner which will be given to the District Council. To the immediate north of this is a Locally Equipped Play Area (LEAP). The second area of POS is towards the eastern side and is an island surrounded by four roads. It includes a Local Play Area (LAP). The final area is in the north-eastern corner at the site entrance and forms a gateway into the site. It also includes an electric substation. The total POS provision is not indicated by the application documents as the stated green infrastructure figure of 3.2ha also includes the attenuation basin and the strategic boundary landscaping.

SITE AREA	8.9 hectares (of which approximately 0.55 ha is the proposed commercial area and 2.1 ha, the sports pitches).
RESIDENTIAL DEVELOPMENT DENSITY	25 dwellings per hectare excluding the commercial area and sports pitches.
TOPOGRAPHY	Predominantly flat, with land rising to the north.
TREES	Two oak trees (T8 and T9) situated on the western boundary of the site are subject to a Tree Preservation Order (TPO/A/2/19) but they are not affected as they are shown to border the sports pitch. There are number of other existing trees in the area of this application which will be removed but these have not been determined as being worthy of protection. These comprise 14 trees (8 x T3 Common Ash/Crack Willow, T16 Common Ash, T17 Common Ash, 3 x T18 Common Ash, T19 Apple & T20 Western Red Cedar) and 5 tree groups (G5 Common Ash/Common Hawthorn, G6 Sycamore/Common Hawthorn/Common Dogwood, G11 Common Hawthorn/Common Ash, G12 Common Ash/Goat Willow/Butterfly Bush & G13 Elm/Common Ash).
BOUNDARY TREATMENT	The boundary treatment for the site varies and includes post and rail fencing, hedgerows and trees of various heights.
SITE CHARACTERISTICS	The site is a mix of a large agricultural field, existing commercial development at New Farm Nursery, a residential dwelling (New Place Bungalow) and a small area of scrub woodland.
CHARACTER OF LOCALITY	The site lies in predominantly rural area which is characterised by a linear form of existing and approved residential development along the road frontage with Arundel Road however to the south, beyond the sports pitches, the character is different with residential development extending westwards away from the road. The development site is bounded to the south by playing fields, sports pitches including a cricket pitch, a pavilion, and a multi-use games area (MUGA) at Palmer Road Recreation

Ground. Open agricultural fields adjoin the site to the west. The site is bounded to the north by Steyne Wood and to the northwest by Decoy Spring and ponds; and to the east by houses fronting onto Arundel Road, and a plot of land with planning permission (A/131/16/OUT) for 9 houses which also fronts onto Arundel Road. To the northeast of Arundel Road is the woodland of Poling Furzefields.

The site adjoins residential dwellings to the North and East. Wilmington on the north side is two storeys and side on to the site. On the eastern side lies 1-9 Starling View, including one and two storey dwellings which back onto the site; and 68/68b Arundel Road, all two storeys and again backing onto the site.

RELEVANT SITE HISTORY

A/282/22/RES	Approval of reserved matters following A/122/19/OUT and varied by A/207/21/PL pertaining to the layout, scale, appearance and landscaping for 160 No dwellings with associated public open space, landscaping, parking, ecological mitigation and earthworks. This application is a Departure from the Development Plan and is in CIL Zone 3 and is CIL Liable as new dwellings.
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A/46/22/RES	Approval of reserved matters following outline consent A/122/19/OUT and varied by A/207/21/PL for the construction of 7 No dwellings with associated public open space, landscaping, parking, ecological mitigation, infrastructure and earthworks. This application is a Departure from the Development Plan and is in CIL Zone 3 and is not CIL liable.
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A/270/21/OUT	Hybrid application comprising: a) Demolition of existing buildings; b) Full planning application for the development of 160 No. dwellings with open space, landscaping and sustainable drainage systems (SuDS), and two vehicular access points from Arundel Road; c) Outline application with all matters reserved except access for up to 1,393 square metres of Class E floor-space with associated parking provision and 2.1 hectares of sports pitch land. This site is a Departure from the Development Plan
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A/235/21/DOC	Approval of details reserved by condition imposed under A/207/21/PL relating to condition 5-design code master	DOC Approved 14-01-22
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plan.

A/207/21/PL	Variation of condition following grant of A/122/19/OUT relating to Conditions Nos 4 - approved plans and 16 - vehicular access.	App Cond with S106 23-11-21
A/122/19/OUT	Outline application with some matters reserved for the erection of up to 160 dwellings with public open space, landscaping and sustainable drainage systems (SuDs), vehicular access point from Arundel Road; together with up to 1,393 square metres (15,000 square feet) of B1/B2 units with associated parking provision and vehicular access point from Arundel Road and land made available for expansion of current sports pitch provision (following the demolition of existing commercial units and one bungalow) (re-submission following A/36/18/OUT). This application is a Departure from the Development Plan.	App Cond with S106 17-03-20

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

Application A/46/22/RES concerns a small 7part of the site but the contents of this application also form part of A/48/22/RES. Application A/282/22/RES is resubmission of the current application and seeks to respond to concerns that have already been raised although the applicant has not indicated that they will be withdrawing the current application.

A/235/21/DOC granted permission for a design code masterplan relating to condition 5 of A/207/21/PL. This provides further detail on character areas, street hierarchy, building typologies, key buildings, the approach to car parking, structural planting, street furniture, lighting, and treatment of the public realm.

A/270/21/OUT is a new hybrid application for the same site consisting of an outline application for the commercial site and sports pitch with a full application for 160 dwellings.

REPRESENTATIONS

Angmering Parish Council state no objection but are disappointed that the cars are designed into the layout rather than looking to be landscape led and the cars being behind or away from the street scene. Also disappointed with the white and black timber/render gables as they do not reflect anything in Angmering outside of the conservation area. Seek clarification as to how the site will connect to the Public Right of Way (PRoW) 2176 as a ditch runs between the site and the footpath. Request conditions to (a) ensure all trees on the boundaries are protected during construction and integrated within the scheme and (b) to ensure protection of a badger sett and dormice.

Four resident objections raising the following concerns:

- Too much development in the area.

- How will the additional traffic be accommodated.
- Highway safety.
- Harm to agricultural character.
- New housing is not affordable for first time buyers.
- Harm to protected species.
- Harm to dark sky status of the South Downs.
- Loss of agricultural land.
- Departure from the development plan; and
- Insufficient infrastructure.

COMMENTS ON REPRESENTATIONS RECEIVED:

The Parish council comments are noted and are considered in the conclusions section of the report. With the exception of lighting, all of the resident concerns relate to the principle of the development and the access arrangements which were approved by the outline permission.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

NATIONAL HIGHWAYS - no objection.

SPORTS ENGLAND - no objection.

SOUTHERN WATER - no objection and advises that if the foul pumping station is to be adopted it will need to be a certain size and accompanied by a secure compound for large vehicle access.

SOUTH DOWNS NATIONAL PARK AUTHORITY - no objection and it is recommended that the proposal is assessed in relation to local and national policies, with due regard to environmental, social, and economic impacts and with particular emphasis to the special qualities of the South Downs National Park and its purposes of designation.

SUSSEX POLICE - no objections but their response lists a number of advisory notes regarding improving security.

WSCC WASTE & MINERALS - no comment as the application site does not meet the criteria for consulting WSCC on waste or minerals issues.

WSCC FIRE & RESCUE - no objection subject to conditions to secure a new fire hydrant.

WSCC LEAD LOCAL FLOOD AUTHORITY - no comment.

WSCC HIGHWAYS - following scheme revisions now raise no objection subject to conditions to secure details of the bollards providing the emergency access and the pedestrian/cycle connectivity through this point.

ADC LANDSCAPE OFFICER - objection. The officer has raised concerns regarding play provision not being shown on all plans, conflict between sports pitch provision and planting proposals, access to the Sports Hub, heavy reliance on streetscene tree planting within private gardens which may weaken the long term BNG and lack of detailed play provision proposals.

ADC HOUSING STRATEGY & ENABLING MANAGER - object to the location of the affordable units as these are not spread across the site.

ADC CONSERVATION OFFICER - make no comment.

COUNCIL's ECOLOGIST - no objection subject to the scheme securing biodiversity mitigation & enhancement measures. Conditions are requested.

COMMENTS ON CONSULTATION RESPONSES:

WSCC FIRE & RESCUE - a fire hydrant condition has already been imposed on the outline permission.

Otherwise, all comments noted.

POLICY CONTEXT

Designations applicable to site:

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

DEVELOPMENT PLAN POLICIES

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

DSP1	D SP1 Design
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM5	ENV DM5 Development and biodiversity
HDM1	H DM1 Housing mix
AHSP2	AH SP2 Affordable Housing
HWBSP1	HWB SP1 Health and Wellbeing
LANDM1	LAN DM1 Protection of landscape character
OSRDM1	Protection of open space, outdoor sport, comm& rec facilities
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QEDM3	QE DM3 Air Pollution
QESP1	QE SP1 Quality of the Environment
TSP1	T SP1 Transport and Development
WMDM1	WM DM1 Waste Management
TDM1	T DM1 Sustainable Travel and Public Rights of Way
WDM3	W DM3 Sustainable Urban Drainage Systems

[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 HD8 Parking for New Developments

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

Angmering Neighbourhood Plan 2014 POLICY EH3 Flood Prevention

Angmering Neighbourhood Plan 2014 POLICY HD1 Built-up Area Boundary

Angmering Neighbourhood Plan 2014 POLICY HD2 Parish Housing Allocation

Angmering Neighbourhood Plan 2014 POLICY HD3 Housing Mix

Angmering Neighbourhood Plan 2014 POLICY HD7 Housing Density

Angmering Neighbourhood Plan 2014 POLICY HD9 Phasing of Residential Development

PLANNING POLICY GUIDANCE:

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

SUPPLEMENTARY POLICY GUIDANCE:

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

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031 (ALP), West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan and Made Neighbourhood Development Plans. The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The relevant policies of the Angmering Neighbourhood Development Plan (ANDP) are referred to in this report.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

Section 70(2) of TCPA provides that:

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

The proposed residential development represents poor design and will harm the character & appearance of the area, the amenities of future residents and as such is in conflict with the relevant Development Plan policies.

OTHER MATERIAL CONSIDERATIONS

There are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE:

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

The principle of development was established by A/122/19/OUT (as amended by A/207/21/PL) which granted permission for the erection of up to 160 dwellings with public open space, landscaping and SuDS, vehicular access from Arundel Road, together with up to 1,393sqm of B1/B2 units with associated parking provision and land made available for expansion of current sports pitch provision. That permission established the principle of development including flood risk, traffic generation, highway safety, archaeology, impact on wildlife, loss of agricultural land, impact on waste sites, countryside location, foul drainage (the principle of the new dwellings connecting to the network) and provision of affordable housing, public open space & children's play.

COMPLIANCE WITH THE OUTLINE:

It has been established by case law that applications for approval of reserved matters must be within the ambit of the outline planning permission and must be in accordance with the conditions annexed to the outline planning permission. Certain conditions imposed by the outline set parameters for the nature and form of the Reserved Matters submission and these are analysed below (with reference to the conditions on A/207/21/PL).

Condition 4 states that development shall be carried out in accordance with the approved plans which govern the access arrangements. The proposal is in accordance with these plans.

Condition 5 required that a Design Code Masterplan be approved prior to submission of the Reserved Matters and that the development then be prepared and carried out in accordance with the approved Design Code. This was approved by application ref A/235/21/DOC prior to the submission of the reserved matters and the proposed development, in part accords with the Design Code as is discussed elsewhere.

Condition 6 requires that the reserved matters submission include details of the landscape treatment along the northern boundary of the site with Steyne Wood to deter unauthorised access by motorcycles and vehicles to the Wood. The application submission does not clearly respond to this requirement. However, the plans include land along the northern edge of the development, and it is indicated that this will feature an earthwork bund as well as new buffer planting. This will deter access into the adjacent land by motorised vehicles. As there are no details of the dimensions of this bund, a condition would be

required to secure these.

Condition 19 requires that garages measure a minimum of 6 metres x 3 metres internally. The submitted garage and house floorplans demonstrate this has been achieved.

Condition 34 requires that a minimum of 10% of all dwellings on the entire site (so 16) are designed and constructed to the Building Regulations M4(2) standard (suitable for older persons) and in addition, six dwellings are designed and constructed to the M4(3) wheelchair accessible standard. This is discussed elsewhere in this report.

LANDSCAPE IMPACT:

The site falls within the Angmering Upper Coastal Plain of the Landscape Character Assessment of West Sussex (2003) which is characterised by undulating farmland enclosed by woods with frequent hedgerows, criss-cross of rural tracks, byways and rights of way, strong network of hedgerows, hedgerow trees and medium to large blocks of woodlands. Some of the key sensitivities and issues within this area include loss of undeveloped rural character of the area, urban development pressures, closing open views between settlements, planting of non-native hedge and tree boundaries.

The Arun Landscape Study (2006) identifies the site lies within the Lyminster-Angmering Coastal Plan (ref LCA 40) which has a negligible/low landscape capacity. The Study states the area is "rural upper coastal plain adjacent to AONB, detached from existing settlement, relatively high ecological and heritage value. This area effectively separates Poling from Lyminster, Littlehampton and Angmering, and is also characterised as being rural and having little urban influence.

The South Downs National Park (SDNP) is approximately 350m from the northern boundary of the development site. The land slopes up gently towards the SDNP, with ground elevating significantly beyond the A27.

ALP policy LAN DM1 requires that development have special regard to the conservation of the setting of the South Downs National Park (SDNP), including views into and out of the Park. Development must also respect the particular characteristics and natural features of the relevant landscape character areas. ANDP policies EH2 and HD5 state development must not adversely impact upon the landscape setting or views into or out of the SDNP.

The submission makes no reference to potential impact on the SDNP however, views of the proposal from within the SDNP are restricted by landform, the enclosed nature of the site and intervening development/vegetation. The SDNPA were consulted on the application and raised no concerns. Therefore, the proposed development would not negatively impact on the special qualities of the National Park.

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

The new boundary vegetation will include additional trees, thicket and hedgerow planting which will reinforce the existing woodlands along the site boundaries and create a landscaped edge to the development, which respects the mature woodland of Steyne Wood (to the north). The development would not result in harm to the established character of the site, and wider landscape due to the existing landforms, development, planting, and additional planting proposed within this submission. The proposal accords with the requirements of ALP policy LAN DM1, and policies EH2 & HD5 of the ANDP.

LAYOUT, APPEARANCE AND SCALE:

ALP policies D DM1 and D SP1 are relevant in respect of design and character. In addition policy AH SP2 seeks to ensure that affordable housing is visually indistinguishable from market housing and that layouts avoid large clusters. Policies HD5, HD6 and HD7 of the ANDP are also relevant regarding built form, housing layout, design, and density. The National Design Guide (NDG) is a material consideration in the determination of this application, as well as the Arun Design Guide (ADG). The application has been prepared in accordance with the approved Design Code, which itself has been prepared and assessed against the requirements of the NDG and the ADG.

In some instances, the site layout has taken account of the wider setting of the site, with dwellings facing outwards to address the public open spaces and surrounding landscape features. The gifted land for the Palmer Road Recreation Ground extension is an important green infrastructure feature and general asset to the wider site. However, the scheme does not respond in the same way to the proposed sports pitch with six of the 13 adjacent homes being side on, a further four being rear on and only three actually facing this asset (and these do so from the other side of an estate road). This also misses an opportunity to maximise natural surveillance to the sports pitches.

The layout is dominated by car parking, with the majority of estate roads being characterised by parking forward of the dwelling's primary elevation. For example, the road serving the east side of the site, has 37 frontage parking spaces, with a further 22 spaces on the road to the south of this. There is some landscaping between; however, this is not enough to break up the substantial number of spaces. This is not in accordance with the ADG, which seeks to ensure that car parking does not dominate frontages or detract from the character and quality of the street scene.

The approved Design Code indicates the areas of low-density development as being adjacent to the northern woodland, and the proposed SuDs feature at the west of the site with the highest density being near the central POS and the medium density areas on the eastern and southern sides of the site surrounding the high-density area. The scheme as proposed has a density that significantly deviates from the Design Code, particularly in the southern half of the site, with this area is characterised by higher density development, with a stark contrast of low density to the north.

The surrounding area is characterised by 1 and 2 storey dwellings, with very little being 2.5 storey. All dwellings are proposed to be 2 storeys in height with a maximum ridge height of 9.5m, and 1 storey garages. The scale of the development does accord with the requirements of the Design Code, and respects that of the surrounding area.

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

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

The proposal does not demonstrate high quality design, nor reflect local distinctiveness, and it does not seek to incorporate local design features evident in the local area. The proposed layout and design are inappropriate in terms of density, the distribution of affordable housing and car parking. There is conflict with the relevant policies.

PUBLIC OPEN SPACE & PLAY:

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

The SPD sets out an overall requirement of 12,870m² of POS to include 1,888m² of play space. The play provision should comprise a Neighbourhood Equipped Area of Play (NEAP) and mix of Local Equipped Area of Play (LEAP) and informal Local Areas of Play (LAP). The proposals include a parcel of land to the north-east corner of the site which will incorporate a LAP, alongside an area of land to the west which will include a LEAP. In addition, 2.1 hectares is to be gifted to the district council as sports pitches. This provision exceeds the requirements, and the Landscape Officer raises no objections to these aspects except that there is not sufficient detail of the play area provision. This point could be covered by planning conditions and on this basis there is no conflict with the relevant policies.

LANDSCAPING & TREES:

ALP policies D DM1 and ENV DM4 are all relevant. The scheme proposes to enhance the western and northern boundary buffers, by reinforcing the rural edge of the development with new tree, hedgerow and woodland planting. This will reinforce and enclose the new housing development, as well as provide ecological and wildlife benefits.

However, the housing layout gives little opportunity to provide green infrastructure to break up the street scene or for a green street presence. The proposed streetscene trees are given little space, afforded predominantly to front gardens (so their permanent retention cannot be secured) and are not within wide verges where they have the potential to be established and thrive. The appearance of the street scenes are cramped and not reflective of Angmering whereby more space creates more attractive street scenes. This results in conflict with policy D DM1 and the ADG.

The proposed mix of ornamental and native trees and shrubs are suitable however, the proposed landscaping scheme is dependent upon tree planting within private amenity space both at front and rear of the dwellings. There is no guarantee that such trees would be maintained and allowed to establish. The proposed landscaping scheme does not provide high quality design which reflects local distinctiveness of Angmering, nor does it accord with the approved Design Code.

The Landscape Officer raises concerns with the proposed planting within the sports pitch land. The buffer mix and woodland edge planting on the three sides of the POS has the potential to conflict with the sports pitch layout which has not been superimposed onto the landscaping scheme. As such there is conflict with policy D DM1, the ADG and Arun's "Public Open Space, Playing Pitches and Built Facilities" SPD.

Two oak trees (T8 and T9) situated on the western boundary of the site are subject to TPO/A/2/19 but they are not affected as they are shown to border the sports pitch. There are number of other existing trees in the area of this application which will be removed but these have previously not been determined as being worthy of protection so despite the lack of any comment from the council's Tree Officer, there is

no clear conflict with policy ENV DM4. Replacement tree planting will be provided and this will help to achieve biodiversity net gain.

The proposal does not accord with the relevant policies as set out above.

OTHER MATTERS:

(A) Housing Mix

ALP policy H DM1 provides for a mix of housing to meet local needs and requires all housing development to provide a mix of dwelling type and sizes to address this need and demand. The policy acknowledges that the final mix will be negotiated on a site-by-site basis, having regard to the most up to date Strategic Housing Market Assessment (SHMA). ANDP policy HD3 states proposals for more than six dwellings should demonstrate how the applicant has sought to meet local needs.

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

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

Separate ratios are given for affordable rented and intermediate/starter homes however this element of the mix is governed by the s106 legal agreement. The following mix is proposed for the market dwellings on the site:

1 Bed - 0
2 Bed - 34 (31%)
3 Bed - 36 (33%)
4 Bed - 35 & 5 Bed - 4 (35%)
(total = 109)

This does not accord with the above suggested mix as there is an under provision of one bed houses by 5%, an under provision of two bed houses by 10% and an overprovision of four- and five-bedroom houses by 21%. The under provision in smaller dwellings and the overprovision of four beds is an unacceptable deviation from the SHMA. The large dwellings are welcome on the edges of the site to provide a looser edge to the development; however, the inappropriate dwelling mix pushes the smaller dwellings into densely packed groups with limited amenity space and poor parking arrangements.

Therefore, the proposed housing mix is deemed unacceptable and does not provide housing that would meet local needs and does not respect the setting of the site. The scheme is therefore not in accordance with policy H DM1.

ANDP policy HD3 requires that proposals should demonstrate how the applicant has sought to meet local needs and proposals should provide for a mix of housing sizes and the delivery of more smaller and fewer larger dwellings is encouraged. A housing mix assessment has been provided which does assess local needs and trends. However, the mix still conflicts with the wording of that policy in that there is a

clear skew away from more smaller/medium sized dwellings.

(B) Housing for Older People

ANDP policy HD3 requires that at least 25% of all dwellings should meet Lifetime Home Standards or its equivalent. Lifetime Homes no longer exist and have been replaced by parts M4(2) and M4(3) of the Building Regulations. The policy requirement for this scheme would be 39 homes.

Arun has an agreed internal policy on the provision of housing accommodation to provide for an ageing generation ("Accommodation for Older People and People with Disabilities", 2020). This is not adopted policy or a supplementary planning document but is considered to have some weight as a material planning consideration and is supported by references in ALP policies D DM1 & D DM2. This sets out a requirement for 78 homes meeting Building Regulations standard M4(2), 6 homes meeting the disabled suitable M4(3) standard and also the provision for some bungalows.

The scheme proposes 17 homes will be built to the M4(2) Building Regulations standard and 5 to the M4(3) disabled suitable standard. This is in conflict with these relevant policies. However, it is material that a condition was imposed on the outline permission which set a requirement that a minimum of 10% of all of the dwellings on the entire site (so 16) be designed and constructed to the Building Regulations M4(2) standard (suitable for older persons) and in addition, six dwellings are designed and constructed to the M4(3) wheelchair accessible standard.

The proposal achieves the minimum requested by the condition and on this basis the policy conflicts are outweighed. However, it is noted that this provision is entirely within the affordable housing tenure which means that those persons needing such accommodation but not being eligible for affordable housing will not be able to live on the site, which is disappointing.

(C) Residential Amenity & Space Standards:

ALP policies D DM1, D DM2 and QE SP1 are relevant. The ADG sets out guidance on interface distances between houses:

- Back-to-back: min. 21m between habitable rooms of properties or to existing buildings.
- Back/ front to side: min. 14m between habitable rooms and side gable of adjacent property.
- Front to front: min. 16m between habitable rooms and site boundary to existing landscaping; and
- The rear gardens of residential houses should be at least 10.5m deep.

There is no impact on any existing residential properties outside of the site with around 32m between plot 3 and the corner of Wilmington in the north-eastern corner. However, there are some instances across the site layout where these standards are not met. In terms of back to side distances, certain plot relationships are in the range of 11-13.5m and so do not meet the guidance: 36-37, 58-61, 121-123 & 125-126. In addition, several properties do not provide for the required garden depth. These being: 44 (10m), 79 (10.2m), 137 (9.3m), 138 (8m), 139 (9.3m) and 142 (10m).

The ADG also states that front gardens should be 2m deep to provide houses with a defensible front space. Plots 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 25, 26, 27, 28, 29, 30, 31, 32, 34, 35, 36, 37, 38, 51, 58, 59, 61, 62, 63, 64, 65, 66, 67, 68, 85, 86, 94, 95, 97, 98, 99, 100, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 152, 153, 154, 155 and 156 all measure significantly less than the 2m distance.

Given that the ADG is guidance not policy, then the instances of only a 0.5m shortfall would on balance be accepted but it is not acceptable to make this the norm or have interfaces and gardens falling short of

this. This is therefore potentially an indication of over development but certainly represents poor layout design. As such, the scheme conflicts with policies D DM1 and QE SP1 of the ALP.

As per ALP policy D DM2, it is necessary to assess the proposal against internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard or NDSS) to determine if the buildings will be suitable for future residential occupiers. The floorplans of each house have been cross referenced with the NDSS and the minimum gross internal floor areas of the houses clearly meet the standards.

(D) Parking, Roads, and Public Footpaths:

ALP policy T SP1 and ANDP policy HD8 are relevant although the latter has been reduced weight due to the adoption of Arun Parking Standards SPD. The advice of WSCC Highways is summarised above and they raise no objection to the layout. The principle of up to 160 dwellings was deemed acceptable through the outline permission, with no concerns regarding highway safety and operation.

The application proposes a total of 358 private car parking spaces which includes 182 on-plot spaces, 138 off-plot spaces and half of the 75 proposed garage spaces (to allow for the SPD rule that garages are treated as providing 0.5 spaces). In addition, there are 37 visitor spaces. As per the parking standards SPD, the proposal generates a requirement for 353 allocated spaces and 31 visitor spaces. Therefore, overall, there will be a slight overprovision of parking which is positive.

Cycle parking is to be provided in stores within the rear gardens of dwellings or in garages. This is acceptable but there are no details of the sheds. However, a condition was applied to the outline permission ensuring no dwelling shall be occupied until the cycle parking serving that dwelling have been constructed and are available to use.

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

Road widths in this application layout are in accordance with the Design Code whereby the principles of road hierarchy were established. The village street is 5.5m wide with 2m pavement on one side. The proposal is therefore appropriate and there is no conflict with ALP policy T SP1 and ANDP policy HD8.

An emergency access link and pedestrian/cycle link between the residential area and the secondary access (serving the commercial area) has now been provided. The access will be secured by a detachable/demountable bollard, to allow for pedestrian and cyclist movements. Access to the sports pitch would be through the residential layout or via the Palmer Rd Recreation ground to the south.

With appropriately worded conditions, the proposal regarding roads, public footpaths and parking would adhere to policies T DM1 and T SP1 of the ALP and HD8 of the ANDP.

(E) Waste Management:

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

(F) Surface Water Drainage

This is a separate matter as drainage is covered by conditions 25, 26, 28 on the outline planning permission and will be agreed through the discharge of such conditions. In addition, condition 31 seeks to control proposed site levels. This application has not attracted any consultation advice from the council's drainage engineers.

ALP Policy W DM3 and ANDP policy EH3 are both relevant. The applicant has indicated the siting of a large attenuation basin in the north western corner of the site which along with a new ditch to the southern boundary (connecting to the existing western ditch) will deal with surface water runoff.

Given the lack of drainage comments, it is not possible to determine against the submitted drainage strategy and in any case this is to be subject to separate agreement. Should there be a situation where the drainage conditions cannot be agreed due to the layout not providing sufficient space then a new reserved matters application would need to be submitted to account for the necessary drainage changes. On this basis, this reserved matters application can be determined without the support of drainage engineers and therefore it is not necessary to demonstrate compliance with the relevant policies at this time.

(G) Biodiversity Net Gain:

ALP policy ENV DM5 states development schemes shall seek to achieve a net gain in biodiversity and protect habitats on site. In addition, condition 4 of A/207/21/PL requires that the development be in accordance with the 'Ecological Mitigation and Enhancement Strategy' prepared by CSA Environmental (Ref. CSA/3467/09), dated July 2019.

Biodiversity was assessed at the outline stage and the council's ecologist raised no objections at that time. This application is also accompanied by an Ecological Mitigation and Enhancement Plan. The council's ecologist has assessed the details and raises no concerns subject to 4 conditions plus future compliance with condition 23 on the outline. It is noted that 14 trees and 5 tree groups are to be felled across the site area (no hedges are proposed for removal). The proposed landscaping scheme shows the planting of a significantly greater number of new trees than the number to be lost (predominantly native species) so the proposals will also achieve an initial net gain in tree units on the site (initial as many trees are in private gardens so may not be maintained in the future). The application demonstrates biodiversity enhancement and there is no conflict with ALP policy ENV DM5.

(H) Climate Change:

Condition 21 on the outline permission (as amended) requires the approval of measures to reduce energy consumption and achieve 10% annual energy reduction. As these details are required to be approved through the discharge of this condition, it is not reasonable to require compliance at the reserved matters stage. With the condition in place and subject to the proposed plans the proposal would likely accord with ALP policy ECC SP2. In addition, condition 24 requires the separate approval of details of electric vehicle charge points, and this satisfies the requirements of ALP policy QE DM3(c).

SUMMARY

The proposed residential development of 156 dwellings would result in a poorly designed scheme, that does not demonstrate high quality design, does not reflect local distinctiveness, nor does it seek to incorporate local design features evident in the context of the surrounding area. The scheme will be a car dominated and cramped layout with instances of inappropriate landscaping, density, mix of dwellings and inadequate spacing between dwellings. The proposed housing mix and location/design of affordable

housing (and older person/disabled suitable housing) is also inappropriate and in conflict with policy. As such, the details contained within this application in relation to appearance, layout, scale, and landscaping is unacceptable and is not in accordance with the approved Design Code, the policies in the Development Plan and the NPPF.

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

RECOMMENDATION

REFUSE

- 1 The proposed residential development for the erection of 156 dwellings would result in a poorly designed scheme, which does not demonstrate high quality design, does not reflect local distinctiveness, and does not reflect the local design features of Angmering Village. The scheme results in a car dominated environment and cramped layout with inappropriate landscaping, density, mix of dwellings and inadequate spacing between dwellings. As such, the proposed development is in conflict with policies D DM1, LAN DM1, D SP1, QE SP1, HWB SP1 and OSR DM1 of the Arun Local Plan, HD4, HD5, HD6 and HD7 of the Angmering Neighbourhood Development Plan, the Arun Design Guide, and the NPPF.
- 2 The proposed development significantly deviates from the council's Strategic Market Housing Assessment and proposes easily distinguishable affordable housing in clustered groups. The proposed housing mix is deemed unacceptable and does not provide a provision of housing that would meet the needs and does not respect the setting of the site. The proposed M4(2) and M4(3) housing is also entirely within the affordable tenure which is not appropriate to meet all future needs. The development is therefore contrary to policies H DM1 and AH SP2 of the Arun Local Plan and Angmering Neighbourhood Development Plan policy HD3.
- 3 Insufficient information has been provided to demonstrate that the sports pitch layout will not conflict with the proposed landscaping to the edges of the sports pitch and so there is conflict with Arun Local Plan policy D DM1, the Arun Design Guide and the Arun District Council

Public Open Space, Playing Pitches and Built Facilities SPD.