

REPORT UPDATE

Application No: A/83/18/RES

Reason for the Update / Changes

Reason for Update/Changes: Proposed conditions not included in Report.

Officers Comment:

See amended Recommendation and Conditions sheet.

Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report.

Recommendation Report for Approval of Reserved Matters Following Outline Approval

REF NO: A/83/18/RES

LOCATION: Land west of Brook Lane
and south of A259
Rustington
BN16 3JL

PROPOSAL: Approval of reserved matters following outline approval A/44/17/OUT for access only for the demolition of existing buildings on site & the erection of a mixed use development comprising up to 90 No. residential units & a care home (Use Class C2 & C3) & ancillary facilities, including railway crossing, together with associated access, car parking & landscaping. This application also lies within the parishes of Littlehampton & Rustington.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks reserved matters approval in relation to access following outline approval A/44/17/OUT.
SITE AREA	Approximately 5.9 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	Approximately 27.5 dwellings per hectare.
TOPOGRAPHY	The topography of the site is predominantly flat but is set at a lower level than the A259 to the north.
TREES	The site, due to its largely undeveloped nature, features a number of mature trees and hedgerows.
BOUNDARY TREATMENT	The site boundaries consists predominantly of mature trees and hedgerows.
SITE CHARACTERISTICS	The site is situated to the south of the A259 and to the west of Brook Lane. It is accessed directly from the A259 and falls within both Angmering Parish as well as Littlehampton, with

the proposed railway bridge providing direct access to Rustington (situated to the south of the site).

The site is largely undeveloped and has historically been used as grazing land. The site currently features a detached dwelling and an old stables which is the subject of a personal planning approval for the siting of two caravans for use by travellers.

The site is largely situated within flood zone 1, with an area measuring approximately 0.6ha in the south-eastern corner falling within flood zone 2 and an area approximately 0.2ha identified as flood zone 3.

CHARACTER OF LOCALITY

The character of the locality is varied with the A259 abutting the northern boundary of the application site. Land immediate to the east is currently undeveloped but is the subject of a planning application for the construction of an A1 retail unit as well as an A3/A4 unit. Further east is Manor Retail park. The railway line runs along the southern boundary of the site with a residential estate located to the south along with an allotment. A mixture of commercial uses are located to the south-east.

RELEVANT SITE HISTORY

A/44/17/OUT	Outline application (with all matters reserved) for demolition of existing buildings on site and the erection of a mixed use development comprising up to 90No. residential units and a care home (Use Class C2 and C3) & ancillary facilities, including railway crossing, together with associated access, car parking & landscaping. Departure from the Development Plan. This application also falls within the parishes of Littlehampton & Rustington.	Refused 29-08-17
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Appeal: Allowed+Conditions
05-04-18

Planning application A/44/17/OUT sought outline permission (with all matters reserved) for the erection of a mixed use development comprising of up to 90No. residential units and a care home (Use Class C2 and C3) & ancillary facilities, including railway crossing, together with associated access, car parking & landscaping.

A/44/17/OUT was recommended for approval but was refused by the Development Control Committee on the 29th August 2017 due to the sites unsustainable location and proximity of the development to the railway line. The subsequent appeal was allowed on the 5th April 2018.

A/46/18/RES sought approval of reserved matters relating to access at land South of Brook Lane and South of A259. The scheme showed a direct access from the A259 into the site, with an indicative roundabout showing potential linkages to the adjacent site. An appeal has been received against non-determination of the application.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Littlehampton Town Council

Rustington Parish Council

Angmering Parish Council

ANGMERING PARISH COUNCIL

Objection

- Distance from the A259 to the proposed roundabout is of insufficient length to allow deceleration.
- Concerns re: traffic queues from the two developments.

LITTLEHAMPTON TOWN COUNCIL

Objection

- Matters relating to the provision/retention of the traveller's pitches and footpath improvements form part of the Section 106 agreement.
- WSCC as Highway Authority, offer no objection to the proposals and will require the applicant to enter into a s278 agreement should the application be approved.
- Matters that remain unresolved relate to drainage and mitigation for the environmental impact of the development.

Updated response - proposed roundabout would provide means of connecting to the adjacent development but not demonstrated it was capable of meeting the need. Clarification on this point via further road traffic audit would satisfy this requirement.

RUSTINGTON PARISH COUNCIL

No Objection - No further comments relating to the access for the site, above and beyond the comments/observations made to application no. A/44/17/OUT.

1 No. letter of Objection:

- Area is already at a standstill as the roads cannot cope.
- The roads and infrastructure must be sorted out before any more building.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

In response to the 1 no. letter of objection it should be noted that outline permission has already been granted for the residential development. This application relates solely to access.

CONSULTATIONS

Network Rail

Engineering Services Manager

Ecology Advisor

WSCC Strategic Planning

Sussex Police-Community Safety

Environmental Health

Southern Water Planning

Highways England
Environment Agency
NHS Coastal West Sussex CCG
Natural England
Planning and Housing Strategy
Archaeology Advisor
Economic Regeneration
Arboriculturist
Parks and Landscapes
Engineers (Drainage)

CONSULTATION RESPONSES RECEIVED:

HIGHWAYS ENGLAND

No objection on the basis that we are satisfied that the development will not materially affect the safety and/or operation of the strategic road network. No further comments on amended plans.

ECONOMIC DEVELOPMENT

No comment.

ENGINEERS (DRAINAGE)

Please apply standard conditions ENGD2B, ENGD4A, ENGD5A and ENGD6A.

ENVIRONMENT OFFICER

We do not have any further comments relating to the access for the site above and beyond our comments made for the application A/44/17/OUT.

HOUSING STRATEGY

If it is the intention of the applicants to provide 30% affordable housing on-site then I have no objection.

ENVIRONMENTAL HEALTH

It will be necessary to investigate the potentially detrimental affect of the provision of a new pumping station (if agreed) on the acoustic environment.

This department awaits notification of the way in which the developer will deal with the adverse effect of road noise on residential units including C2 and C3 use, in sensitive receptor rooms above ground floor level.

WEST SUSSEX COUNTY COUNCIL

Given that the applicant has demonstrated that the adjacent scheme which is minded to grant (A/23/15/OUT) can still be accessed and that this application does not preclude the consented scheme from coming forward the Highway Authority would not object to this application.

The Local Planning Authority should note that dependant on the timing of the approval of this application and other applications within the vicinity all applications must take account of any consents to ensure that a scenario does not occur where two access points are approved which could be contradictory and the permission would not be implementable or junctions that are located too close to each other. The Highway Authority would look for the LPA to encourage the applicants to work together to provide a comprehensive development and single access arrangement which delivers both sites. Depending on

the timing of any approvals of other applications this therefore may alter the Highway Authority comments on this and other applications.

A condition should be included on any permission granted that states the access should be provided prior to first occupation of the development and an informative included on any permission granted.

Updated response on amended plans:

No objection

Observations made in relation the width of the merge and diverge traffic lanes

Dimensions of the acceleration/ deceleration lanes acceptable

Comment on the 30m radius being less than the 40m states as being preferable which is not addressed in the design review.

Demonstrates that proposed access does not preclude A/23/15/OUT from coming forward, subject to rights of access which are a private non planning matter.

Conditions recommended relating to access to be provided prior to occupation and that further details of the island providing a means of crossing for pedestrians on the eastern arm of the mini-roundabout to be provided.

Informative relating to entering into a S278 Agreement recommended.

NATURAL ENGLAND

No objection - Based upon the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected sites or landscapes.

SOUTHERN WATER

The comments in our response dated 18/04/2017 (submitted on planning application A/44/17/OUT) remain unchanged and valid for the above reserved matter application.

SUSSEX POLICE

Comments provided on layout of footpaths to provide good visibility and overlooking. Pedestrian crossing point should be provided to enable pedestrian access to the developments east and west. Advice on planting scheme to avoid pinch points on paths, promote good visibility and avoid concealment. Advice on lighting.

NETWORK RAIL

Advice provided to ensure that development does not encroach on or otherwise affect Network Rail operations and infrastructure. Informative comments provided setting out how the developer should comply with the comments and requirements for the safe operation of the railway and protection of Network Rail's land.

GREENSPACE

No additional comments following A/144/17/OUT.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. The conditions proposed by the Council's Drainage Engineers, with the exception of ENGD4A, were covered by Conditions 7 and 8 of appeal decision APP/C3810/W/17/3185128.

The condition recommended by the LHA in relation to the pedestrian crossing point on the eastern arm of the roundabout relates to land outside the applicants control. The proposed roundabout for A/23/15/OUT includes detail of a crossing point in this location.

POLICY CONTEXT

Designation applicable to site:

Right of Way

Biodiversity Opportunity Area

DEVELOPMENT PLAN POLICES

DDM1 D DM1 Aspects of form and design quality

DSP1 D SP1 Design

TSP1 T SP1 Transport and Development

[Angmering Neighbourhood Plan 2014 POLICY TM1](#) Local Highways

PLANNING POLICY GUIDANCE:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District 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: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton.

The Angmering, Littlehampton and Rustington Neighbourhood Plans have been made and as such form part of the development plan in the determination of this 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 upon the established character of the surrounding area nor would the proposal result in an unacceptable impact upon highway safety in accordance with the National Planning Policy Framework.

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 proposed application relates to vehicular access to serve the development which benefits from outline permission (with all matters reserved) under reference A/44/17/OUT. The extant outline approval establishes the principle of the development and as such the key considerations in the determination of this application will concern the design and impact of the proposed vehicular access from the A259.

HIGHWAY

The proposed access from the A259 is a left in/left out junction with merge and diverge lanes. The junction has been designed in accordance with Design Manual for Roads and Bridges (DMRB). The A259 where the access joins is a dual carriageway and has a speed limit of 70mph and as such a design speed of 120kph (74.56mph) has been identified as appropriate. Given the design speed of 120kph visibility splays of 295m have been provided in accordance with DMRB.

The Transport Assessment (March 2017) originally provided in support of planning application (A/44/17/OUT) took account of the traffic associated with the proposed neighbouring mixed-use retail park proposed to the east of Brook Lane (reference A/23/15/OUT) which has received a resolution to grant by the Development Control Committee. However, the subsequent revised application (under reference A/11/17/OUT) has predicted a higher level of development traffic (associated with the neighbouring retail development). Therefore, the proposed Brook Lane access has been re-assessed to reflect the increased levels of arrivals and departures associated with the mixed-use retail development.

The access arrangements proposed by this application have been considered and have been identified as operating well within capacity for both the 2019 and 2022 predicted traffic flows, taking into account the proposed development under reference A/44/17/OUT and the neighbouring mixed-use development under reference A/23/15/OUT.

Drawing no. SPRUST (BROOK LANE).1/10 Rev D' has demonstrated that the proposed vehicular access would serve the residential development and would provide access to the mixed-use retail scheme on the adjacent site (under reference A/23/15/OUT) through the incorporation of a roundabout.

A potential conflict has been identified by WSCC between the proposed access (the subject of this application) and the amended scheme submitted under reference A/11/17/OUT, for the adjacent mixed use development. A/11/17/OUT proposes an access onto the A259 to the east of that proposed by this application (as well as the access proposed by A/23/15/OUT).

Planning application A/11/17/OUT was deferred by the Development Control Committee on the 9th May 2018, to enable this access conflict to be resolved. In the 3 months since A/11/17/OUT was deferred by Members the access arrangements have been amended to demonstrate how access to this site could be achieved. However, the proposed access under reference A/11/17/OUT is not compatible with the access proposed by this development and would be likely to preclude the implementation of the access proposed by both this application and A/23/15/OUT.

The implementation of the access proposed under reference A/11/17/OUT would require the closure of Brook Lane in order to avoid unacceptable impacts to highway safety. However, this would require a formal process and land owner negotiations. Given the access proposed by this application to serve the residential development, it is evident that the landowners do not intend to permit the stopping up and diversion of Brook Lane to accommodate the access proposed by A/11/17/OUT.

In order to ensure that the access for both this proposed and A/23/15/OUT are compatible, revised plans have been submitted for A/23/15/OUT which aligns with this access road, albeit with a slightly adjusted mini-roundabout (which is considered necessary to meet the needs of their scheme). The applicants for A/23/15/OUT have confirmed that their mini-roundabout could be constructed over this proposed roundabout either as part of the access road construction or after the road has been built. Therefore, there is no conflict between the schemes.

It has been demonstrated that safe access can be achieved at the site and to the adjoining site through the provision of a roundabout as specified on drawing no. SPRUST (BROOK LANE).1/10 Rev D'. Therefore, the proposed access is deemed to accord with policy T SP1 of the Arun District Local Plan (2011-2031); TM1 of the Angmering Neighbourhood Plan; and will not result in a severe impact upon highway safety in accordance with Paragraph 109 of the NPPF.

DESIGN AND VISUAL AMENITY

The proposed access will replace the existing Brook Lane access point onto the A259. The proposed access by virtue of its design will appear in keeping with the character of this section of the A259 and will be similar in design to the existing access further to the east.

Therefore, it is considered that the proposed access will not give rise to any unacceptable harm to visual amenity in the locality and will accord with policy D DM1 of the Arun District Local Plan (2011-2031).

RESIDENTIAL AMENITY

The proposed access by virtue of its design and siting is not considered to give rise to any unacceptably adverse impacts upon the residential amenity of existing or future occupiers of the site. Condition 12 of appeal decision APP/C3810/W/17/3185128 requires the submission of details of appropriate measures to mitigate the impact of road noise upon sensitive residential receptors. Therefore, it is considered that adequate measures are already in place to avoid any unacceptably adverse harm to residential amenity. As such, the proposal is deemed to accord with policy D DM1(3) of the Arun District Local Plan (2011-2031).

SUMMARY

The proposed access is not considered to result in any unacceptably adverse impacts to visual or residential amenity in the locality of the site in accordance with D DM1 of the Arun District Local Plan (2011-2031). The proposed access by virtue of its design is not considered to result in a 'severe impact' on highway safety and as such is deemed to accord with paragraph 109 of the NPPF.

The proposed access has been designed to facilitate the proposed mixed-use retail development to the east of Brook Lane (under reference A/23/15/OUT). Whilst it is acknowledged that there are minor differences between the access arrangements proposed by this application and those proposed by A/23/15/OUT there is no justification for refusal of this application due to these minor differences. The national guidance does not provide advice on the consideration of competing applications. Therefore, it will be the responsibility of both developers and relevant land owners to identify which scheme is implemented to ensure adequate access to both sites.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby approved shall be carried out in accordance with the following approved plans: Proposed Site Access - SPRUST (BROOK LANE) 1/10 REV D.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies T SP1 and D DM1 of the Arun District Local Plan (2011-2031).
- 2 No dwelling shall be occupied until the access has been provided in accordance with the details specified on drawing no. SPRUST (BROOK LANE) 1/10 Rev D.

Reason: In the interests of highway safety in accordance with policy T SP1 of the Arun District Local Plan (2011-2031).
- 3 The development shall not proceed until formal consent has been approved in writing from the Lead Local Flood Authority (WSCC) or its agent (ADC) for the discharge of any flows to watercourses on the site. Any discharge to a watercourse must be at a rate no greater than the pre-development run-off values.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W SP1, W DM1, W DM2 and W DM3 of the Arun District Local Plan (2011-2031). It is considered necessary for this to be a pre-commencement condition to protect existing watercourses prior to the construction commencing.
- 4 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.
- 5 INFORMATIVE: This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost,

whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0845 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.

- 6 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015 (as amended). The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 7 INFORMATIVE: The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader, West Sussex County Council, County Hall, Chichester, West Sussex, PO19 1RQ.