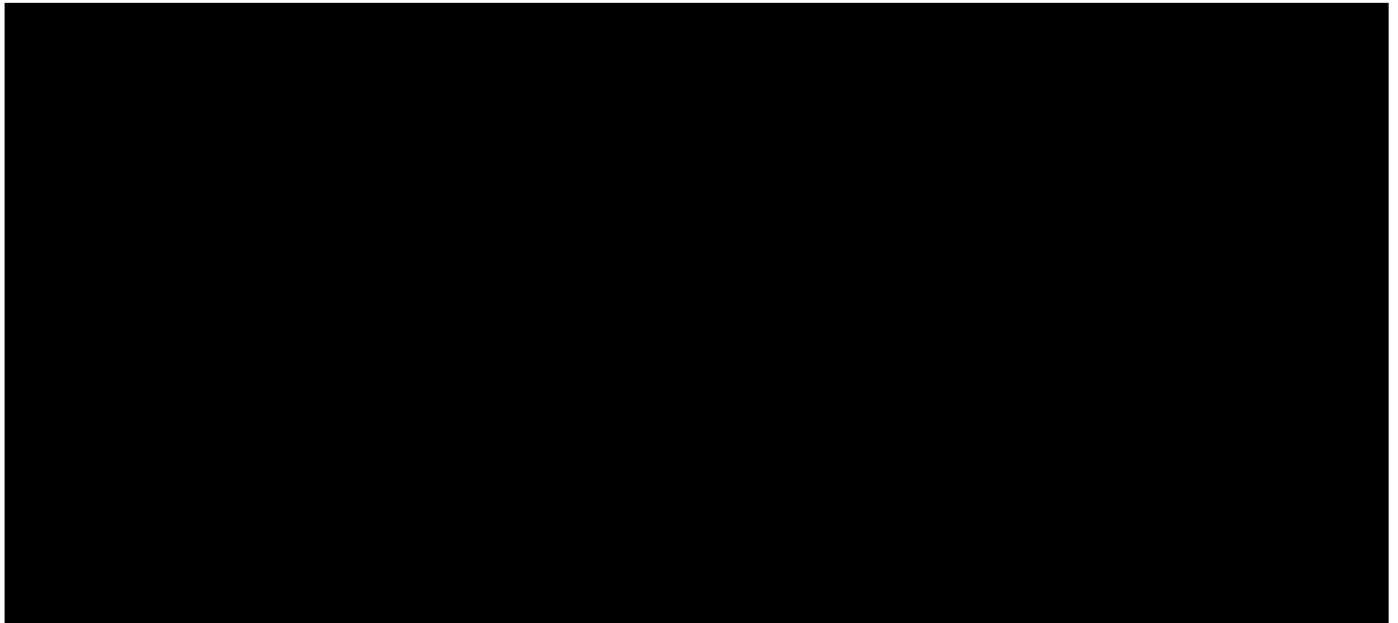




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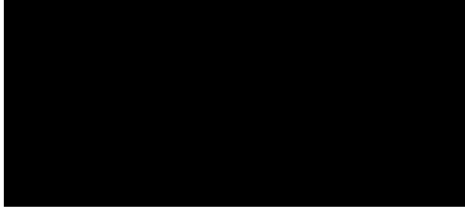


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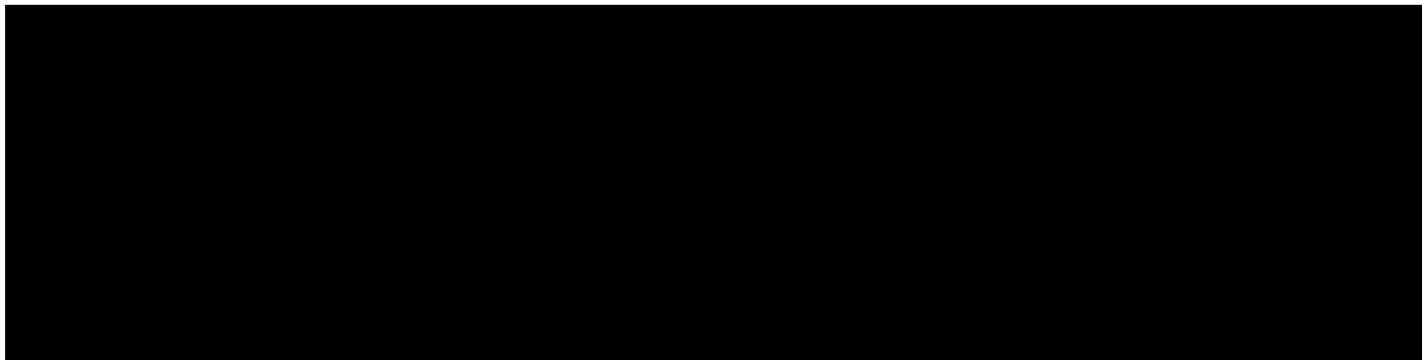
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From: paul collins [redacted]
Sent: 17 November 2021 18:30



Subject: CM/48/21/RES - Land to the West of Church Lane South of Horsemere Green Lane Climping

CAUTION: This email originated from outside of the organisation. You should take extra care when clicking links or opening attachments - if you are unsure the content is safe contact the IT Helpdesk before clicking or opening.

Dear All

I write to make my representations regarding the above application for your consideration prior to making any decision under delegated powers and/or reporting to the Planning Committee should the application come before them for determination.

I attach two documents by way of support for my representation and would be grateful if ADC Officers would ensure that these are also placed on the file alongside my representation so that anyone with an interest may view same. Finally I have copied this e mail to all members of the Planning Committee (and others who may have an interest in the application) because I consider that it raises matters which are material to their consideration of the Outline application ADC Ref: F/4/20 OUT being considered at its meeting on 22 November 2021 but the officers report relating to that application does not discuss or mention same.

My representations are as follows:

Outline Planning permission (OPP) was granted for the development of this site on appeal against a decision made by ADC Planning Committee to refuse permission with the Inspector specifying the development he considered and approved at Paragraph 1 of his decision letter in the following terms:

the erection of up to 300 dwellings and ancillary development comprising open space, a building within use class D1 of up to 875 sqm (net), a building for A1 use having a floor area of up to 530 sqm (net) together with open space and ancillary works, including car parking and drainage arrangements (with all matters reserved except for access), on land west of Church Lane and south of Horsemere Green Lane, Climping, West Sussex, BN17 5RY, in accordance with the terms of the application, Ref: CM/1/17 /OUT, dated 28 December 2016, subject to the conditions set out in the attached Schedule.

Condition 1 of the OPP states: *Details of the appearance, landscaping, layout and scale (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.*

Condition 2 of the OPP states: *Application for the approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.* (The DL is dated 28 September 2018 so this time limit expired on 28 September 2018)

Condition 3 of the OPP states *The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.* and

Condition 4 states *The development hereby permitted shall not exceed 300 dwellings and shall be carried out in general accordance with the following approved plans: Location Plan: P14 4899-01 Rev B, Access Plans: GDB 4724/005 & GDB 4724/013, Illustrative Masterplan: P14 4899 01 Rev F and Acoustic Barrier/ noise bund: P14 4899 03t*

These conditions reflect the following legal facts (see attached Guidance Note on the Government Planning Portal and the relevant Planning Practice Guidance at Paragraph

- Outline permission is not a permission to start work on site and the permission notice must state which matters have been reserved for later approval
- it is only when all of the reserved matters have been approved, that work may begin on the site
- The details of the reserved matters application must be in line with the outline approval, including any conditions attached to the permission so that if the proposals have changed in any way, the developer may need to reapply for outline or full planning permission and that
- Applications for approval under outline permission may be made either for all reserved matters at once, or individually and even after details relating to a particular reserved matter have been approved, one or more fresh applications can be made for approval of alternative details in relation to the same reserved matter but once the time-limit for applications for approval of reserved matters has expired, however, no applications for such an approval may be submitted..

In this case the subject application under ADC Ref: CM/48/21/RES was validated by ADC on 7/9/21 (within the time limit) and it seeks approval of all the reserved matters specified in the condition 1 of the OPP but it is a matter of fact that the description of the development for which reserved matter approval is being sought does not match the description approved under the OPP and the details provided are not in line with the plans specified in condition 4 and therefore the outline approval granted.

This being so it is my understanding that ADC may not consider or determine the application as it is not a valid application for reserved matters and therefore if they do so any such decision would be made ultra vires and therefore of no affect and that since no valid application for reserved matters has been submitted within the time limit no further applications for reserved matters may be made and the OPP has, therefore expired and may not now be implemented.

However in the event that my understanding is incorrect and the application made is approved it should be noted that a reserved matters approval is not in any case a planning permission and that whatever is approved in such circumstances the development may only proceed in accordance with the OPP granted and its conditions and any development (even if approved as part of the reserved matters approval) that does not do so would not benefit from that OPP and would be a breach of planning control and a the submission of a fresh planning application so as to clarify matters would be in the best interests of the applicant.

In my view ADC should either return the application made as being invalid or refuse the application and the applicant should be advised that since the proposals have changed they would be best advised to make a fresh application for either OPP or full permission in respect of the changed proposals so that ADC may reconsider the principle of developing the site in the manner now proposed within the context of the development plan and other material considerations as they now stand rather than as they stood in July 2018 when the Appeal Inquiry heard the evidence presented at that date.

Thank you for considering my representation and for the avoidance of doubt I hereby give my approval to any recipient to circulate and distribute same as they see fit.

Paul Collins BA (Hons) DipTP

A large black rectangular box redacting the signature of Paul Collins.

Application for Approval of Reserved Matters following Outline Approval

Article 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015

The Application for Approval of Reserved Matters form should be used after an outline planning application has been approved.

A reserved matters application deals with some or all of the outstanding details of the outline application proposal, including:

- **appearance** - aspects of a building or place which affect the way it looks, including the exterior of the development
- **means of access** - covers accessibility for all routes to and within the site, as well as the way they link up to other roads and pathways outside the site
- **landscaping** - the improvement or protection of the amenities of the site and the area and the surrounding area, this could include planting trees or hedges as a screen
- **layout** - includes buildings, routes and open spaces within the development and the way they are laid out in relations to buildings and spaces outside the development
- **scale** - includes information on the size of the development, including the height, width and length of each proposed building

The details of the reserved matters application must be in line with the outline approval, including any conditions attached to the permission. If your proposals have changed in any way, you may need to reapply for outline or full planning permission.

Some, though not all, details may have been formally submitted and approved at the outline application stage, if the applicant chose to do so, or the council insisted.

The outline decision notice, issued by the council, will state which matters were reserved for later approval.

Permission lasts for two years from the last date that the reserved matters were approved, or, three years from the date that outline planning permission was approved – whichever date is the later.

Please note: Outline permission is not a permission to start work on site. The permission notice will state which matters have been reserved for later approval. When all of the reserved matters have been approved, work may begin on the site.

It is often helpful to discuss your proposal with your local authority before you send in your application – this is known as ‘pre-application advice’. Your local authority will normally have details of how to go about this on its website.

Appeal Decision

Inquiry held on 10-11 July 2018

Accompanied site visit made on 11 July 2018

by M C J Nunn BA BPL LLB LLM BCL MRTPI

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 28th September 2018

Ref: APP/C3810/W/17/3187601

Land west of Church Lane and south of Horsemere Green Lane, Climping, West Sussex, BN17 5RY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mulgrave Properties LLP against the decision of Arun District Council.
- The application Ref: CM/1/17/OUT, dated 28 December 2016, was refused by notice dated 5 September 2017.
- The development is described on the application form as "outline application for the erection of up to 300 dwellings and ancillary development comprising open space, a building within use class D1 of up to 875 sqm (net), a building for A1 use having a floor area of up to 530 sqm (net), together with open space and ancillary works, including car parking and drainage arrangements, with appearance, landscaping, layout and scale wholly reserved for subsequent approval; the access detail, showing the points of access to the development, and indicated on Bellamy Roberts drawings numbered 4724/004 and 4724/005 are access proposals to be determined at this stage of the application; for the avoidance of doubt all other detail within the site is to be determined as a reserved matter at a later stage".

Decision

1. The appeal is allowed and planning permission granted for the erection of up to 300 dwellings and ancillary development comprising open space, a building within use class D1 of up to 875 sqm (net), a building for A1 use having a floor area of up to 530 sqm (net) together with open space and ancillary works, including car parking and drainage arrangements (with all matters reserved except for access), on land west of Church Lane and south of Horsemere Green Lane, Climping, West Sussex, BN17 5RY, in accordance with the terms of the application, Ref: CM/1/17/OUT, dated 28 December 2016, subject to the conditions set out in the attached Schedule.

Preliminary Matters

2. The application is made in outline with all matters except access reserved for subsequent determination. An Illustrative Masterplan has been submitted which indicates the intended form of the development¹.

¹ CD30

3. The plans put forward for determination at this appeal are set out within the Statement of Common Ground (SOCG)². They comprise the red line location plan (P14 4899 01 Rev B)³, the Horsemere Green Lane proposed access (GDB 4724/005)⁴ and proposed roundabout details (GDB 4724/013)⁵, the latter replacing an earlier superseded plan (GDB 4724/004 Rev B)⁶ and incorporating a controlled pedestrian crossing on the A259. During the course of the Inquiry, a further plan (GDB 4724/14 Rev A) was submitted⁷ showing Yapton Road highway improvements, including crossing facilities to accommodate cyclists.
4. The revisions to the access drawings were in response to, amongst other things, the comments of the highway authority, West Sussex County Council (WSCC). The SOCG records that no-one would be prejudiced by my determining the appeal on the basis of the revised access drawings⁸. I too am satisfied that the revisions do not alter the substance of the scheme and, having regard to the *Wheatcroft Principles*, I consider that no-one would be prejudiced and have accordingly proceeded on this basis.
5. I deferred closing the Inquiry to allow the completion of a legal agreement. This occurred on 3 September 2018. A Compliance Statement in respect of financial contributions sought was also submitted by the Council⁹. Shortly after the sitting of the Inquiry, the Council confirmed that the new Arun Local Plan 2011-2031 ('the Local Plan') had been adopted on the 18 July 2018¹⁰. This supersedes the earlier Arun Local Plan 2003. Submissions were made at the Inquiry on the basis the Local Plan was likely to be adopted imminently.
6. Comments were also sought and received¹¹ on the revised National Planning Policy Framework ('the Revised Framework'), following its publication on 24 July 2018. I have taken all the comments received into consideration in my deliberations.
7. In addition to my accompanied site visit, I made a number of unaccompanied visits to the site and its surroundings. The Inquiry was closed in writing on 5 September 2018.
8. Two alternative spellings of the village exist, namely 'Clymping' and 'Climping'. For consistency, I have used the latter throughout this decision.

Main Issues

9. The application was refused permission for two main reasons¹²; first, prematurity, pending the final examination of the new Local Plan; and second, highway safety concerns. The Council confirmed that it did not wish to pursue its first 'prematurity' reason and that it should be treated as withdrawn¹³.

² CD54

³ CD4

⁴ CD8

⁵ Graham Bellamy Proof, Appendix 16

⁶ CD26

⁷ As part of ID4

⁸ Paragraph 2.1.5 (CD54)

⁹ ID11

¹⁰ ID12

¹¹ ID 13 & 14

¹² CD1

¹³ Statement of Case (CD48) & Statement of Common Ground, Paragraph 2.1.13 (CD54)

10. Turning to the second reason for refusal, the Council initially stated that without clear and effective mitigation, the adverse impacts of the proposal on highway safety at the Church Lane and Oyster Catcher junctions would be so significant that permission should be refused. However, following further discussions with the appellant, the Council has now agreed that subject to certain additional works being undertaken¹⁴, any adverse highway impacts could be reduced to a level such that the appeal could be allowed¹⁵. As such, the Council is no longer raising objections to this appeal scheme.
11. Although there are now no outstanding issues between the main parties, concerns have been raised by third parties in relation to a number of matters. These concerns relate to highway safety, the potential effect on heritage assets, ecology and the loss of agricultural land, drainage and flooding, and the size of the development and its consequent effect on local infrastructure. I deal with these below.

Reasons

Site Context

12. The appeal site comprises a large expanse of flat agricultural land. The southern and western boundaries are fringed with trees, and abut Crookthorn Lane (A259) and Yapton Road (B2233) respectively. Along the eastern boundary runs Church Lane. The northern boundary abuts for the most part existing residential development, much of it recent, although a small section directly fronts on to Horsemere Green Lane. The village of Climping includes, amongst other things a notable Grade I listed Church¹⁶ and a number of Grade II listed buildings. There is a large industrial estate to the north. Further afield, the larger settlements of Bognor Regis and Littlehampton are located to the west and east respectively.

Highways

13. The scheme proposes a major improvement to the Church Lane / A259 roundabout, with a realignment of Church Lane to a repositioned new larger roundabout, from which the main access to the site would be provided. The existing roundabout at this junction would be removed, although the original Church Lane alignment would be retained and landscaped as a new cycle route. Other works include the provision of a signal controlled pedestrian crossing on the A259 and the provision of bus laybys to the north and south of the A259. An additional access to the site would also be provided from Horsemere Green Lane.
14. The existing roundabout junction at Church Lane/ A259 currently operates over capacity during peak periods, with queuing on the A259. The proposal, without any mitigation, would exacerbate this problem. However, the Highways Statement of Common Ground (HSOCG)¹⁷ records that the existing traffic capacity problems and the impact of the proposal would not only be fully mitigated by the proposed new roundabout and Church Lane realignment, but that there would be a significant improvement over the existing current

¹⁴ As set out in ID4 and to be secured by condition

¹⁵ Council's Closing Submissions (ID7), Paragraph 6

¹⁶ The Parish Church of St Mary

¹⁷ CD52

situation. Furthermore, the HSOCG notes that sufficient spare capacity would be created to accommodate traffic generated by other sites identified within the new Local Plan¹⁸.

15. WSCC has expressed existing ongoing concerns about the personal injury accident record at the Oyster Catcher junction. The proposal would add no new turning movements to this junction, but would increase traffic flows on the A259 by some 3-4% which would not have a significantly adverse effect on road safety¹⁹. I understand that WSCC has longer term plans to improve this junction, although no formal decision has been made on its design. Nonetheless, the appellant has offered to safeguard land and make it available at no cost to enable a roundabout improvement as a longer term solution. WSCC has agreed that this is a 'meaningful response'²⁰ to its concerns about the Oyster Catcher junction.
16. As mentioned, further measures have also been agreed by the appellant including a new footway along Crookthorn Lane, and for the Oyster Catcher junction, a scheme of street lighting and refreshing road lining and signage, and clearance of vegetation to improve visibility. Also agreed is a scheme to improve cycle crossing facilities at the Yapton Road / Oyster Catcher junction.
17. Overall, I concur with the main parties that there is now no highway reason why the appeal scheme should not proceed. I am satisfied that it would accord with Policy T SP1 (Transport and Development) of the Local Plan.

Heritage Assets

18. The appeal site itself does not contain any designated or non-designated heritage assets. Outside the site but within the village are a number of listed buildings, including the Grade I Parish Church of St Mary, as well as various Grade II listed buildings²¹. There is also a scheduled ancient monument comprising the Climping Deserted Medieval Village, located adjacent to the Church, as well as a number of non-designated heritage assets. Historic England's initial concerns have been addressed²², and it now raises no objections to the scheme. Although it is possible that the appeal site may contain archaeological remains, both the Council and appellant agree that a suitably worded condition could be imposed to deal with this matter. I see no reason to disagree.
19. Overall, I concur with both the Council and appellant that heritage matters are not a valid reason for the appeal to fail. As such, the scheme would accord with Policy HER SP1 (The Historic Environment) of the Local Plan.

Ecology

20. In terms of ecology, no part of the site is covered by wildlife designations. The site is predominantly an arable field with woodland, areas of scrub and hedgerow along the boundaries. Surveys were undertaken for bats, badgers

¹⁸ Paragraph 6.1 (CD52)

¹⁹ HSOCG, Paragraph 6.3 (CD52)

²⁰ HSOCG, Paragraph 5.4 (CD52)

²¹ Listed at Paragraph 5.2.5 Statement of Common Ground (CD54)

²² Including potential changes to the hydro-geological regime given the proximity of a scheduled ancient monument

and great crested newts²³. It was concluded that there were no great crested newts on site, although small populations were using habitats to the south, beyond the main road. No bat roosts were identified on site although a number of trees were considered to have moderate to high value to support roosting along the site boundaries along the south and west. Three species of bat were recorded foraging, with activity concentrated in the wooded areas along the southern and western boundaries. No badger setts were identified within the site at the time of survey.

21. The main parties agree that the ecological investigations undertaken do not suggest that permission should be withheld on ecological grounds, subject to appropriate conditions being attached to any permission²⁴ including the implementation of an Ecology Management and Mitigation Plan. I concur with that view. As such, I find no conflict with Policy ENV SP1 (Natural Environment) of the Local Plan.

Agricultural Land

22. There are concerns from third parties that the site falls within the category of the best and most versatile agricultural land. Although Policy SO DM1 (Soils) of the Local Plan does not permit the development of such land, this restriction does not apply where the site is specifically allocated for development, as in this case, by virtue of Policy H SP2c (SD10) (Inland Arun). Therefore, no conflict arises with the Local Plan on this basis.

Drainage, flooding and other matters

23. Drainage and surface water flooding were raised by third parties, including the Parish Council. A Flood Risk Assessment²⁵ confirmed that the majority of the site is within Flood Zone 1 where there is a low probability of flooding. The impact from groundwater and surface water flooding was considered to be potentially moderate. A Surface Water Drainage Assessment²⁶ indicates that a sustainable urban drainage system could adequately mitigate effects of the development.
24. Overall, I am satisfied that these matters can be adequately addressed in accordance with the Flood Risk and Surface Water Drainage Assessments, and through appropriate conditions to mitigate any potential flood risk. Therefore, no conflict arises with Policies W SP1 (Water), W DM2 (Flood Risk) and W DM3 (Sustainable Urban Drainage Systems).
25. Whilst some concerns were raised regarding air pollution, there are no Air Quality Management Areas in the District. I am satisfied that air pollution concerns are not a reason for the appeal to fail.
26. Noise concerns are capable of being addressed through the provision of a mitigation scheme (including the construction of an acoustic barrier), secured by condition.

²³ CD11 & 14

²⁴ Statement of Common Ground, Paragraph 5.3.8 (CD54)

²⁵ CD19

²⁶ CD20

Size of development and impact on infrastructure

27. Concerns have been raised regarding the size of the scheme and its consequent effect on local infrastructure, including education and medical facilities. However, I am satisfied that the completed planning obligation (discussed below) means that the proposed development would make appropriate and necessary provision for infrastructure.

Planning Obligation

28. A planning obligation was completed on 3 September 2018. The obligation secures the provision of affordable housing at a rate of 30%. It also secures the following for the Council: an NHS contribution; a police contribution; sports facilities contributions (including towards sports pitches, sports hall and swimming pool). It also secures a community building and the provision of public open space (including play areas), and a travel welcome pack to occupiers of the dwellings on first occupation (to include a cycle voucher or bus travel season ticket). In terms of provisions in favour of WSCC, the obligation safeguards land for future highway works, as well as contributions to highway improvement works. It also secures the provision of fire hydrants, and suitable access for fire brigade vehicles and equipment, contributions to fire and rescue services, library facilities, and education (primary, secondary and sixth form).
29. I have no reason to believe that the formulae and charges used by the Council and WSCC to calculate the various contributions are other than soundly based. Both the Council and WSCC have produced Compliance Statements which demonstrate how the obligations meet various Council policies and the Community Infrastructure Levy Regulations²⁷. The development would enlarge the local population with a consequent effect on local services and facilities. I am satisfied that the provisions of the obligation are necessary to make the development acceptable in planning terms, that they directly relate to the development, and fairly and reasonably relate in scale and kind to the development, thereby meeting the relevant tests in the Revised Framework²⁸ and the Community Infrastructure Levy Regulations²⁹.

Conclusion

30. The relevant legislation³⁰ requires that the appeal be determined in accordance with the statutory development plan unless material considerations indicate otherwise. Both the Council and appellant agree that the scheme would accord with the newly adopted Local Plan. I share that view. Specifically, it would comply with Policy H SP2c (SD10) (Inland Arun). This envisages at least 300 dwellings in the Climping Strategic Allocation over the plan period; and requires contributions towards education and healthcare facilities, improvements to the A259 route between Climping and Littlehampton (including a controlled crossing), the provision of a community hub comprising retail, commercial and other community facilities, including library, and a controlled crossing on the A259.

²⁷ ID5 & ID 11

²⁸ Paragraph 56

²⁹ Regulation 122

³⁰ Section 38(6) of the Planning and Compulsory Purchase Act 2004

31. The scheme would also comply with other policies of the Local Plan, including SD SP1 (Sustainable Development), SD SP1a (Strategic Approach), H SP1 (Housing Requirement), H SP2 (Strategic Site Allocations), INF SP1 (Infrastructure provision and Implementation), T SP1 (Transport and Development), HER SP1 (The Historic Environment), Policy ENV SP1 (Natural Environment), W SP1 (Water), W DM2 (Flood Risk) and W DM3 (Sustainable Urban Drainage Systems).
32. The Climping Neighbourhood Plan (CNP)³¹ made in October 2015, also forms part of the statutory development plan. The CNP does not specifically allocate or identify sites for housing. A number of its policies have been brought to my attention as relevant to this appeal, including CNP 7 (Protection of Open Views), CNP 8 (Protection of Trees and Hedgerows), CNP 9 (Protection of Natural Habitats), CNP 10 (Protection of High Grade Agricultural Land), CNP 11 (Quality of Design), CNP 12 (Reducing the Risk of Flooding), CNP 13 (Retain Buildings or Structures of Character), and CNP 14 (Traffic and the Environment). None of these policies contain an absolute proscription against development. Even if certain policies within the CNP were judged to militate against the appeal proposal, the relevant legislation is clear that any conflict must be resolved in favour of policies contained in the most recently adopted plan³², in this case the 2018 Local Plan.
33. The Revised Framework states that proposals that accord with an up to date development plan should be approved without delay³³. This scheme would accord with an up to date plan. There are no material considerations to indicate that permission should be withheld in this case. Therefore, I conclude that the appeal should be allowed, subject to the conditions set out below.

Conditions

34. I have reviewed the suggested conditions in the light of the discussions at the Inquiry and advice in the Planning Practice Guidance. Where necessary, I have reworded them for clarity, succinctness and simplicity, and have also amalgamated some of the conditions to avoid duplication.
35. Commencement conditions are necessary to comply with the relevant legislation. A condition requiring compliance with the submitted plans and specifying the maximum number of dwellings is necessary for certainty. A condition specifying the scope of requirements in relation to reserved matters (including the design of the buildings, materials, landscaping and lighting) is necessary to ensure these matters are properly dealt with and to ensure a high quality scheme. A phasing condition is necessary given the size of the scheme.
36. Conditions relating to landscape implementation and retention, tree and hedgerow protection, sustainable drainage (surface and foul), flood management, ecology and archaeology are required to ensure these matters are appropriately addressed. A condition requiring a construction method statement is necessary to minimise disturbance to local residents. A condition requiring a Travel Plan to encourage sustainable transport use is required to

³¹ CD33

³² Section 38(5) Planning and Compulsory Purchase Act 2004

³³ Paragraph 11(c)

minimise private car trips. A condition requiring energy efficiency measures, including utilising renewable or low energy sources is necessary to achieve a sustainable and energy efficient form of development.

37. Conditions relating to the provision of an acoustic barrier and subsequent post validation testing are necessary to ensure satisfactory living conditions for future occupiers. Conditions requiring the provision of highway accesses and highway improvements are necessary in the interests of highway safety and to ensure a satisfactory form of development. A condition requiring an employment and skills plan is necessary to accord with the provisions of the Local Plan³⁴. A condition relating to broadband access, in accordance with requirements of the Local Plan³⁵, is necessary for residents in order to promote economic growth, improve access to goods and services and to enhance opportunities to work from home.
38. A number of the conditions relate to pre-commencement activities. In each of these cases, the requirement of the condition is fundamental to make the scheme acceptable in planning terms.

Matthew C J Nunn

INSPECTOR

³⁴ Policy SKILLS SP1 (Page 90)

³⁵ Policy TEL SP1 (Page 91)

Schedule of Conditions

- 1) Details of the appearance, landscaping, layout and scale (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for the approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall not exceed 300 dwellings and shall be carried out in general accordance with the following approved plans:
 - Location Plan: P14 4899-01 Rev B
 - Access Plans: GDB 4724/005 & GDB 4724/013
 - Illustrative Masterplan: P14 4899 01 Rev F
 - Acoustic Barrier/ noise bund: P14 4899 03
- 5) Details of appearance, landscaping, layout and scale to be submitted and approved under Condition 1 shall include:
 - i. details of the design, form and architectural features (including windows and doors) of the buildings, including materials to be used on the external surfaces;
 - ii. a 'Design Code Masterplan' providing details of the street hierarchy, character areas, building typologies, key buildings, car parking, structural planting, street furniture, and treatment of the public realm;
 - iii. details of a landscaping scheme, including hard and soft landscaping, showing existing trees and hedgerows to be retained;
 - iv. details of an external lighting strategy to ensure adequate illumination of roads and paths but to avoid unnecessary light pollution. The strategy must include measures to avoid disturbance to bat species, including minimising the lighting in the woodland area along the southern and western boundaries.
- 6) No development shall take place until a Phasing Plan and Programme ("PPP") has been submitted to and approved in writing by the local planning authority. The PPP shall identify the physical extent of each proposed phase of development, the layout and an indicative timescale for implementation of each phase. The development shall be carried out in accordance with the approved PPP.
- 7) The approved landscaping works shall be carried out in accordance with a programme agreed in writing by the local planning authority; and any trees or plants which within a period of 5 years from the date of planting

die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the local planning authority gives written approval to any variation.

- 8) No site clearance, preparatory work or development shall take place until a detailed Arboricultural Method Statement for the protection of trees and hedgerows, including appropriate working methods, has been submitted to and approved in writing by the local planning authority. The Arboricultural Method Statement shall accord with British Standard BS 5837:2012 '*Trees in Relation to Design, Demolition and Construction*'. The Arboricultural Method Statement should include provisions for: a pre-commencement site meeting to ensure appropriate protection measures are in place, and to agree a schedule of site monitoring and supervision visits; full details of protective fencing, and measures to avoid harm to root protection areas. The Arboricultural Method Statement shall be carried out as approved.
- 9) No development shall take place until:
 - i. a surface water drainage scheme, based on sustainable drainage principles, has been submitted to and approved in writing by the local planning authority. The sustainable urban drainage system (SUDS) shall be implemented in accordance with the approved details and agreed timetable, and shall be permanently retained thereafter. The details shall include a detailed site specific SUDS Maintenance and Management Plan, setting out the ongoing maintenance and management of the SUDS, including financial management;
 - ii. a foul water drainage scheme, has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details and agreed timetable, and shall be permanently retained thereafter.
- 10) No development shall take place until:
 - i. consent has been granted in writing by the local planning authority for the discharge of any flows to watercourses, or the culverting, diversion, infilling or obstruction of any watercourse on the site;
 - ii. a scheme for the future access and maintenance of any watercourse or culvert crossing or abutting the site has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved;
 - iii. the location within the site of the rising main and foul sewer pipe (including any additional Southern Water infrastructure) has been identified, and approval received from the local planning authority that work can commence.
- 11) No development shall take place until a Flood Management and Mitigation scheme has been submitted to and approved in writing by the local planning authority, taking account of the measures set out in the

Ambiental Phase 1 Flood Risk Assessment dated December 2016. The scheme shall be implemented in accordance with the approved details and permanently retained thereafter.

- 12) No development shall take place until an Ecology Management & Mitigation Plan has been submitted to and approved in writing by the local planning authority. The Plan shall take account of the recommendations in the Preliminary Ecological Appraisal (Phlorum, May 2016), Bat and Badger Survey Report (Phlorum, June 2016), Great Crested Newt Survey Report (June 2016). The Plan shall include details of measures for encouraging biodiversity within the site, including potential locations for bird and bat roosting opportunities; details of additional and compensatory tree and habitat planting; details of bird and bat boxes; log piles; details of wildlife ponds; measures to minimise disturbance to badgers; timings for clearance of trees or shrubs so as to avoid impacts on breeding birds. The Plan shall be carried out as approved before the dwellings are first occupied, or in accordance with a programme agreed by the local planning authority. The measures identified within the Plan shall be permanently retained thereafter.
- 13) No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the written scheme so approved.
- 14) No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. This shall provide details of: proposed hours and days of working; anticipated number, frequency and types of vehicles to be used during construction; the method of access and routing of vehicles during construction; the parking of vehicles of site personnel, operatives and visitors; loading and unloading of plant and materials; storage of plant and materials; erection and maintenance of security hoardings; vehicle wheel washing facilities and measures to guard against the deposit of mud or other substances on the public highway; details of public engagement both prior to and during construction works. The approved details within the Construction Method Statement shall be adhered to throughout the construction period.
- 15) The dwellings shall not be occupied until a Travel Plan to encourage more sustainable modes of travel has been submitted to and approved in writing by the local planning authority. The Plan shall be implemented as approved.
- 16) No development shall take place until a scheme for the dwellings identifying energy efficiency measures, including decentralised, renewable or low energy sources has been submitted to and approved in writing by the local planning authority. The scheme shall aim to secure 10% of the projected energy requirements of the buildings hereby permitted from decentralised, renewable or low energy sources (subject to viability considerations, or as otherwise agreed by the local planning authority). The development shall be completed in accordance with the approved scheme.

- 17) No development shall take place until details of an acoustic barrier as shown on Plan P14 4899 03 (and P14 4899 01 Rev F – Illustrative Masterplan) with associated tree and shrub planting have been submitted to and approved in writing by the local planning authority. The acoustic barrier shall be implemented in accordance with the approved details, and permanently retained thereafter. Any trees or plants provided in accordance with this condition which within a period of five years from the date of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the local planning authority gives written approval to any variation.
- 18) The dwellings along the southern and eastern boundaries adjacent to the acoustic barrier shall not be occupied until post validation testing has been undertaken by a competent person to ensure compliance with the Southdowns Noise Assessment (Ref 2001W-SEC-00002-02) dated December 2016. The test results shall be submitted to and approved in writing by the local planning authority prior to occupation of these dwellings.
- 19) The dwellings shall not be occupied until the vehicular accesses to the site have been provided in accordance with Plans GDB 4724/005 and GDB 4724/013.
- 20) Not more than 25 dwellings shall be occupied until a scheme of highway improvements has been completed in general accordance with Plan 4724/014 Rev A at the Oyster Catcher junction, with precise details to be agreed, but to incorporate street lighting, a new island in Yapton Road to create a safer cycle crossing and refreshment of road markings and coloured surfacing.
- 21) No development shall take place until an Employment and Skills Plan for the construction phase of development has been submitted to and approved in writing by the local planning authority. The objectives of the Plan shall be implemented as approved.
- 22) No development shall take place until a strategy for the provision of broadband to future occupants of the dwellings hereby permitted has been submitted to and approved in writing by the local planning authority. The strategy shall be implemented as approved.

APPEARANCES

FOR THE COUNCIL:

Mr Jeremy Cook	Instructed by Arun District Council
He called	
Ms Sarah Pharoah	Lambert Smith Hampton (Planning)
Mr Nathan Hanks	Transport Planning Associates (Highways)

FOR THE APPELLANT:

Mr Andrew Williamson	Instructed by the Appellant
He called	
Mr Mark Naumann	Ambiental (Drainage)
Mr Graham Bellamy	Bellamy Roberts (Highways)
Mr Philip Woodhams	Parker Dann (Planning)

INTERESTED PERSONS

Mr Colin Humphris	Climping Parish Council
Mr Ricky Bower	Ward Councillor, Arun District Council
Ms Jacky Pendleton	Ward & County Councillor, Arun District Council & West Sussex County Council
Mr Alan Lovell	Local resident
Mr David Miranda	Climping Field Protection Group

DOCUMENTS SUBMITTED AT THE INQUIRY

1. Appellant's Opening Submissions
2. Council's Opening Submissions
3. Statement of Mr Colin Humphris, Climping Parish Council
4. Agreed Statement on Highways Mitigation
5. Compliance Statement by West Sussex County Council regarding contributions
6. Arun Local Plan 2011-2031 (adopted July 2018)
7. Council's Closing Statement
8. Appellant's Closing Submissions
9. List of suggested conditions
10. Additional suggested conditions

DOCUMENTS SUBMITTED AFTER THE INQUIRY

11. Compliance Statement by the Council regarding contributions
12. Letter from Ms Sarah Pharoah dated 25 July 2018 confirming adoption of Arun Local Plan 2011-2031 together with Adoption Statement
13. Council's comments regarding Revised Framework
14. Appellant's comments regarding Revised Framework
15. Letter dated 10 August 2018 from appellant (Walker Morris) requesting extension to deadline for s106 agreement (and enclosing final draft)
16. Email update on final draft of s106 agreement dated 13 August 2018
17. Certified copy of completed legal agreement dated 3 September 2018

CORE DOCUMENTS

- CD1 Decision notice
- CD2 Application form and letter
- CD3 Block Plan Ref P14 4899 01
- CD4 Location Plan P14 4899 01
- CD5 Illustrative Masterplan P14 4899 01 Rev D (superseded)
- CD6 Proposed roundabout 4724/002 (superseded)
- CD7 Proposed roundabout 4724/004 (superseded)
- CD8 Horsemere Green Lane 4724/005
- CD9 Arboricultural Survey Report (Phlorum)
- CD10 Affordable Housing Statement (Parker Dann)
- CD11 Bat and Badger Survey (Phlorum)
- CD12 Design and Access Statement (JRP)
- CD13 Preliminary Ecological Appraisal (Phlorum)
- CD14 Great Crested Newt Survey (Phlorum)
- CD15 Historic Environment Desk Based Assessment (Archaeology South East)
- CD16 Landscape and Visual Assessment (FLA)
- CD17 Noise Assessment (Southdowns)
- CD18 Planning Statement (Parker Dann)
- CD19 Phase 1 Flood Risk Assessment (Ambiental)
- CD20 Surface Water Drainage Assessment Report (Ambiental)
- CD21 Transport Assessment, Bellamy Roberts
- CD22 Summary of Submissions Statement (Parker Dann)
- CD23 House Type A: Plans & Elevations P14 4899 10
- CD24 LEAQ 16 hr Contour Plan
- CD25 Proposed Roundabout 4724/002 Rev D
- CD26 Proposed Roundabout Details 4724/004 Rev B
- CD27 Additional Heritage Assessment (Archaeology South East)
- CD28 Letter from Southdowns Environmental Consultants dated 25 April 2017
- CD29 Design Audit A259/Church Lane (Bellamy Roberts)
- CD30 Illustrative Masterplan P14 4899 01 Rev F
- CD31 Acoustic Barrier P14 4899 03
- CD32 Schedule of saved Arun District Council Local Plan (2003) policies
- CD33 Climping Neighbourhood Plan 2015-30 (October 2015)
- CD34 Arun Local Plan 2011-2037 – Publication Version showing modifications
- CD35 Planning Application Committee Report

- CD36 Affordable Housing within New Developments (Arun District Council)
- CD37 Appeal at land east of Fontwell Avenue, Fontwell, West Sussex, July 2017, APP/C3810/V/16/3143095
- CD38 Local Plan Inspector's interim findings following hearing sessions, October 2017
- CD39 Draft Statement of Common Ground, October 2017
- CD40 Statement of Case, October 2017, Parker Dann
- CD41 Agenda and Minutes Local Plans Sub Committee, 6 December 2016
- CD42 Email from Neil Crowther dated 20 December 2016
- CD43 Agenda and Minutes Full Council 11 January 2017
- CD44 Housing and Economic Land Availability Assessment (HELAA) August 2017
- CD45 Deliverable Sites Summary Tables
- CD46 HELAA Assessment Summary Table – Deliverable Residential Sites
- CD47 Housing & Economic Land Availability Assessment & Brownfield Register
- CD48 Council's Statement of Case, January 2018
- CD49 Modified Arun Local Plan January 2018
- CD50 Agenda Full Council 7 March 2018
- CD51 Minutes Full Council 7 March 2018
- CD52 Highways Statement of Common Ground, dated 10 May 2018
- CD53 Email correspondence with Historic England in relation to Drainage and Hydro-Geology
- CD54 Signed Statement of Common Ground, dated 29 June 2018 & 3 July 2018
- CD55 Draft Legal Agreement
- CD56 Local Plan Inspector's Report on the Examination of the Arun Local Plan, July 2018
- CD57 Main Modifications to the Arun Local Plan, July 2018