

REPORT UPDATE

Application No: LU/124/25/RES

Reason for the Update / Changes

Reason for Update/Changes:

Further details have been provided pertaining to Play, Public Open Space and landscaping details, following comments received from the Greenspace Officer requesting additional details and some amendments to planting. These new details have been checked by ADC Parks and Landscape, who have accepted the amendments and confirm support for the scheme. As such, Condition 1 has been amended to reflect the up to date plan revisions, and include new detailed plans showing the play area and its associated equipment. Condition 6 has also been reworded to no longer require details of the play areas and equipment, as this has now been provided and conditioned under Condition 1, and rather just seeks final details of ancillary equipment such as bins and seating. This condition now states:

'None of the dwellings shall be occupied unless and until full details of the ancillary items to be provided such as number and location of bins, seating areas, bike storage and boundary treatments, and associated management arrangements for the Public Open Space and Play Areas have been submitted to and approved in writing by the Local Planning Authority. The approved details shall then be permanently retained and adhered to.'

The Parking provision on site has also been amended and reconfigured, increasing the total number of parking spaces from 118 to 122. This is following the relocation of residential flat parking from the gym and mooring parking area, increase in gym and mooring parking from 11 spaces to 15, and addition of 1 further visitor parking space. This has alleviated concerns regarding the low number of mooring parking spaces as identified within the report. Further detail has also been provided showing the new pedestrian crossings at Bridge Roundabout, which has been designed in agreement with WSCC Highways.

It has been re-considered that conditioning obscure glazing on all bathrooms / toilets for all residential units is not necessary, and that House Types 7B and 8B are the only units at risk of overlooking. As such, the Proposed Elevations for House Type 7B and House Type 8B have been amended to detail obscure glazing. The wording of Condition 8 has also been amended to secure that these flank elevations are obscure glazed. This condition now reads:

'All proposed bathroom/en-suite/toilet windows on the flank walls of House Type 7b and 8b shall be glazed at all times with obscured glass to a level equivalent to Pilkington Level 3 or nearest equivalent standard. These arrangements shall be permanently retained thereafter.'

For note, it has been identified that there is a minor error under the Design and Appearance section of the report. Reference is made to seven house types, however this should state eight house types.

Officers Comments:

The conditions have been amended to reflect the changes and updates above. There are no changes to the recommendation, and this remains to approve the application subject to conditions.

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:	LU/124/25/RES
LOCATION:	Land west of Bridge Road Roundabout Littlehampton BN17 5DF
PROPOSAL:	Approval of reserved matters following outline consent LU/238/20/OUT for 60 No dwellings to include a multi-functional gym building, and 32 No leisure moorings. This application is a Departure from the Development Plan, may affect a public footpath, lies within the parish of Climping and is in CIL Zone 3 and is CIL Liable as new dwellings.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application seeks approval of reserved matters (layout, appearance and landscaping) following outline consent under LU/238/20/OUT for 60 No dwellings to include a multi-functional gym building, and 32 No leisure moorings. This also seeks to discharge condition 24 of the outline permission, pertaining to landscaping and layout details. The Outline application for this site (LU/238/20/OUT) was approved for the demolition of existing treatment works and redevelopment of a former camp site on the edge of the River Arun to provide up to 105 homes, 100sqm of A1 Shops use, 220sqm of A3 Restaurant use and 420m of pontoons to provide approximately 32 leisure moorings along with associated landscaping, sluice gate, flood defence works, car parking and highways works, including access. This secured matters comprising access to the site and the scale of the development.
SITE AREA	2.15 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	27.91 dwellings per hectare.
TOPOGRAPHY	Varies from a relatively flat plateau to steep-sided embankment.
TREES	None of any significance affected by the proposed development.
SITE CHARACTERISTICS	The application site comprises 2.15 hectares of vacant land on the east bank of the River Arun in Littlehampton. The site is bound by the A259 road to the east, the A259 road bridge to the south and the River Arun to the West. Additional vacant land in the applicant's ownership adjoins the northern part of the site.

The main pedestrian and vehicular access to the site is from the A259 Bridge Road Roundabout to the east. There is a further pedestrian access into the land adjoining the northern part of the site from the public footpath numbered 3098_1.

In addition to a short 60m long access road, the site contains a flood defence structure (wall and embankment), a main river and two disused water treatment beds.

While much of the site is understood to have been cleared previously for flood defence works, the adjoining A259 road embankment to the east and south-east feature well established trees and vegetation.

CHARACTER OF LOCALITY

The site is located on the edge of the urban area and is surrounded by a mixture of land uses. To the east of the A259, there is a superstore, petrol filling station and two further retail units. To the south-east of the A259, there is an industrial estate. To the south, on the opposite side of the river, are the moorings of Littlehampton Marina. To the west of the river and to the north, there is open countryside that provides the setting for Arundel. To the north-east, there is the Kingley Gate residential development.

RELEVANT SITE HISTORY

LU/238/20/OUT	Outline planning permission with some matters reserved for demolition of existing treatment works and redevelopment of a former camp site on the edge of the River Arun to provide up to 105 homes, 100sqm of A1 Shops use, 220sqm of A3 Restaurant use and 420m of pontoons to provide approximately 32 leisure moorings along with associated landscaping, sluice gate, flood defence works, car parking and highways works, including access. This application also lies within the parish of Clymping, may affect a Public Footpath and is a Departure from the Development Plan.	App Cond with S106 22-04-22
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Relevant planning history noted.

REPRESENTATIONS

Littlehampton Town Council - Objection:
- Concern raised over the seven storey height and siting of the southern block. It was considered this was overly bulky, out of character with its surroundings, and visually stark in contrast to nearby buildings.

Objection was maintained following reconsultation for the addition of the 32 moorings.

Climping Parish Council - Objection:

- Concern raised regarding the dates of the information provided.
- Issue regarding the flood defences on site, and potential to lead to environmental degradation if these are not sufficient.
- Concern regarding the Bridge Road Roundabout, and traffic and congestion.
- It is queried whether the applicant will contribute to WSCC road improvements.
- Query how the proposal will address cycle infrastructure / accessibility on the surrounding roads.
- Issue regarding the design of the flat block, in respect of its height, size and massing, and how this will impact the open outlook of the river valley.
- Raise concern in respect of potential environmental damage to the river margin as a result of climate change.

Further objection received 10/10/25:

- The proposed increase in the number of moorings would spoil the visual impact of the area and not give added value to the application.

1 No. letter of Objection was received:

- The seven storey block is too high for the area and will be an eyesore from the opposite bank.
- It should be set no higher than four storeys.
- This will also set a precedent for future riverside eyesores.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted. Issues regarding scale, height, flood risk / defences, and highways were all addressed at outline stage, and are not reserved matters for this application. A parameter plan accepting heights of up to eight storeys was approved at outline. Flood defence works, and a Flood Risk Assessment were accepted by the Environment Agency at outline, and conditioned; as were highways matters, which included approval of the access. Highway works to the Bridge Road Roundabout to include upgrades to junctions and pedestrian / cycle accessibility, have been secured through a S106 Agreement, and agreed by WSCC under LU/238/20/OUT. The principle of 32 moorings has also been accepted under the outline.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

WSCC HIGHWAYS:

No objection subject to conditions.

ADC PARKS AND LANDSCAPES:

No objection subject to conditions.

ADC DRAINAGE ENGINEERS:

Objection. Insufficient information has been submitted to demonstrate that surface water drainage given the proposed scale, layout and landscaping of the development is achievable without increasing flood risk on site or elsewhere. The submission fails to demonstrate compliance with national guidance.

WSCC LEAD LOCAL FLOOD AUTHORITY (LLFA):

Objection. Insufficient flood risk and drainage information has been submitted, accounting for flood risk on site and scale of development.

ENVIRONMENT AGENCY:

No objection. Note outstanding conditions applied to outline permission.

WSCC MINERALS AND WASTE:

No objection.

ADC CONSERVATION OFFICER:

No objection. The proposal is unlikely to harm the setting of designated heritage assets, and therefore not harm their significance.

MARINE MANAGEMENT ORGANISATION:

No objection. Work activities taking place below the mean high water mark may require a marine licence.

ADC ENVIRONMENTAL HEALTH:

No objection subject to conditions.

NATIONAL HIGHWAYS:

No objection.

ADC ECOLOGY:

No objection subject to conditions.

SOUTHERN WATER:

Adequate capacity in the local sewerage network confirmed. Request that construction shall not commence until details of the proposed means of foul / surface water drainage disposal are submitted and approved.

SUSSEX POLICE:

No objection but comments providing guidance given.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Requested details have been applied below. It is noted that the ADC Environmental Health consultation response requested a number of pre-commencement conditions. All of these conditions have already been imposed under LU/238/20/OUT, and as such there is no requirement to apply these to this Reserved Matters application. The objections received from ADC Drainage Engineers and WSCC LLFA are addressed below within the Conclusion.

POLICY CONTEXT Outside the Built Up Area Boundary Prone to Groundwater Flooding (medium to high risk) Flood Zones 2, 3, 3a and 3b WSCC Mineral Consultation Area Economic Growth Area (Littlehampton) Biodiversity Opportunity Area (Climping to Houghton) 2km Buffer for Site of Special Scientific Interest (Climping Beach) Arun Valley IRZ CIL Charging Zone 3 DEVELOPMENT PLAN POLICIES Arun Local Plan 2011 - 2031:

DDM1 D DM1 Aspects of form and design quality

REPORT_1011(ODB)

DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ENVDM3	ENV DM3 Biodiversity Opportunity Areas
ENVDM4	ENV DM4 Protection of trees
ENVSP1	ENV SP1 Natural Environment
HDM1	H DM1 Housing mix
HERSP1	HER SP1 The Historic Environment
HWBSP1	HWB SP1 Health and Wellbeing
LANDM1	LAN DM1 Protection of landscape character
LANDM2	LAN DM2 The Setting of Arundel
QESP1	QE SP1 Quality of the Environment
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development

Littlehampton Neighbourhood Plan 2014 Policy 1	The Presumption in Favour of Sustainable Development
Littlehampton Neighbourhood Plan 2014 Policy 21	Proposals to increase the recreational and tourist use of the River Arun
Littlehampton Neighbourhood Plan 2014 Policy 22	Design of New Development
Littlehampton Neighbourhood Plan 2014 Policy 23	Infrastructure Investment Priorities
Littlehampton Neighbourhood Plan 2014 Policy 3	Housing Supply

OTHER STATUTORY PLANS:

[South Inshore and South Offshore Marine Plan 2018:](#)

South Marine Plan Policy S-ACC-2
 South Marine Plan Policy S-TR-1
 South Marine Plan Policy S-TR-2
 South Marine Plan Policy S-WQ-2

PLANNING POLICY GUIDANCE:

NPPDG	National Design Guide
NPPF	National Planning Policy Framework
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, 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.

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 complies with relevant Development Plan policies in that it would result in a development of an appropriate layout and appearance which is not harmful to the character and appearance of the area, trees, biodiversity and priority habitats, parking, or the amenities of existing and future residents.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) 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,
- (aza) 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.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

BACKGROUND:

LU/238/20/OUT agreed a development of up to 105 homes, 100sqm of A1 Shops use, 220sqm of A3 Restaurant use and 420m of pontoons to provide approximately 32 leisure moorings. This was together with associated landscaping, sluice gate, flood defence works, car parking and highways works, including access. Vehicular, pedestrian and cycle access was agreed to be from the existing junction off the A259 at Bridge Road Roundabout.

The outline permission established the following:

- The principle of the development;
- The housing mix and provision of affordable housing;
- Flood risk and drainage;
- The means of access and impact of traffic; and
- The scale of the development and its landscape and visual impact.

These matters are subsequently concluded, and are not issues to be considered for approval. The main issues to be considered in the determination of this Reserved Matters application are therefore:

- Layout;
- Appearance; and
- Landscaping.

It is noted the outline development approved the inclusion of A1 and A3 uses (comprising shops and restaurant use). The proposal has now evolved to remove the cafe / shop uses, and instead includes a

gym use on the site. On 1 September 2020, the Use Classes Order 1987 was significantly amended, with the A Use Class consolidated to create Use Class E. Rather than having separate use categories (such as A1, A2 etc), Use Class E encompasses a number of different uses falling under 'Commercial, Business and Service'. Use Classes A1 and A3 subsequently now fall under Use Class E, and now have the same classification. This classification also encompasses '(d) Indoor sport or recreation', for which gym uses are permitted. Therefore, the outline permission, under the new use classes, approved the inclusion of up to 320sqm of Class E Use, which would permit the inclusion of a gym. Subsequently, subject to the gym falling under 320sqm, this is in accordance with the development permitted under LU/238/20/OUT.

COMPLIANCE WITH OUTLINE CONDITIONS:

It has been established by case law that applications for the 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. When determining whether reserved matters fall within the ambit of an outline planning permission the courts have allowed a little freedom of interpretation with the usual test being whether any changes make a material difference to the essence of what was approved.

The following conditions of LU/238/20/OUT concern matters to be addressed under this application, and set out parameters for which the Reserved Matters must comply:

Condition 1 set out the time limits for the submission of a Reserved Matters application.

Condition 3 set out that the development permitted should be carried out in accordance with the approved plans.

Condition 24 sets out parameters for landscaping and layout particulars. Details have been provided to satisfy the criteria set out within this condition.

Condition 34 set out requirements for accessible dwellings.

These elements have been reviewed as part of this application, and are concluded to be acceptable.

LAYOUT, APPEARANCE AND DESIGN:

ALP policies D SP1 and D DM1 require that development make the best possible use of land by reflecting or improving on the character of the site/surrounding area. Policy 22 of the Littlehampton Neighbourhood Development Plan (LNDP) concerns the design of new development. The Arun Design Guide (ADG) is additionally pertinent to this application.

The development has evolved from the initial proposal at outline which sought to deliver 105 homes, in the form of four blocks of apartments, along with 100sqm of A1 shops use, 220sqm of A3 restaurant use, and 420m of pontoons to provide 32 leisure moorings. The scheme now seeks to deliver 60 homes, in the form of 29 terraced riverside / wharf-style housing, and a single block of 31 flats; a multi-functional gym building; and 32 moorings.

The layout and appearance of the moorings align with the indicative plans provided at outline. It is concluded that these moorings are reflective of other jetties and pontoons along the River Arun, and as such are acceptable for this location.

Layout:

The layout of the site builds upon that proposal at at outline, still following a linear north-south building

line, with all vehicular access and parking along the eastern boundary, spanning from the access off Bridge Road Roundabout. A pedestrian footpath / cycleway is situated along the western side, following the river, alongside the moorings, which will have three access points across the site. The footpath spans north-south within the site, with seating outside the gym building; and seating and play along the central portion. It then narrows to the north alongside the salt marshes, where it then leads to and ends at a bird hide.

Part G of the ADG sets out criteria for good layout and plot sizing. This includes integrating existing site features into the layout; basing the layout around a series of appropriately proportioned blocks, which should incorporate well defined and attractive frontages; be of an appropriate size; create a clear distinction between public and private spaces; vary in size to add interest; incorporate landmark buildings; and position buildings to take advantage of daylight and sunlight.

The layout has a strong linear form and building line, designed around the topography and shape of the site, and set parallel to the river. The layout has been designed so as to optimise outlook and sunlight, whilst also focusing on a high quality residential development that opens up and restores the river front. This design provides a more naturalistic river edge, where there is a gentle transition from the river edge to the built form, whilst additionally providing integration between the two through the creation of public open spaces. The layout responds well to the site, and builds upon intrinsic features and characters; such as the river edge, salt marsh, and heavily tree lined bank which abuts the A259 to the east. This has resulted in a layout which maximises walkability, surveillance, active frontages, biodiversity and open spaces; and additionally includes landmark buildings (the southern block and gym building) which help to create a visual gateway into Littlehampton.

The layout does include a large amount of on-street parking, and spaces to the front of building elevations. This results in the access road and street scene to the east being quite heavily car dominated in places. However, soft landscaping has been incorporated where possible to reduce the dominance of urban features and hard landscaping. Parking has also been grouped, to help preserve a more green and open appearance to areas of the street scene. It is therefore considered that the layout is successful in providing sufficient parking, without undue detriment to the quality and appearance of the street scene, and has ensured that car dominance is minimised.

The dwellings are positioned so as to have front elevations which face east or south, to overlook the access road and parking areas; and rear elevations and gardens which abut the river edge. This layout optimises surveillance of the whole site; alongside outlook and daylight; and promotes residential environments which do not feel unduly overlooked or overshadowed by other buildings.

Overall, the proposed layout responds positively to the constraints and context of the site, and creates a high quality residential environment which successfully balances both form and function.

Design and Appearance:

The design and form of the buildings have been created as so to emulate a set of waves that intensify in height and rigour. This reflects the nature of the river, as its flow strengthens towards its mouth. This design concept is realised through the building heights and roof pitches, which are angled to create a fluctuating roofscape. The roof profiles gradually rise from their lowest point in the north, to their highest point at the southern block. This concept not only reflects the nature of the river, but also provides a gradual increase in density as the buildings move closer to the outer edges of Littlehampton. This creates a gentle and more organic transition from natural to built urban form, and aids sympathetic integration with the surrounding context, whilst also introducing an innovative and attractive new development to the riverside.

Seven different house types (HT) are proposed for the dwellings. These all follow a similar form and design style, however have differing architectural features and materiality to create a street scene which is varied and characterful in appearance. The gym and southern flat block buildings draw upon the characteristics and architectural features of the dwellings, and whilst being a different scale and form, are clearly related to the overarching design concept for the site. This results in the development having its own strong and unique architectural character, which draws upon both the natural and surrounding urban context.

The southern block is designed to rise from 5 to 7 storeys, and emphasise the wave roof form concept. It incorporates balconies and terraces for all units, and these are positioned to the west, north and east elevations to optimise outlook and sunlight; and reduce potential noise and disturbance from the A259. The design successfully creates an attractive and varied block of flats which does not appear unduly bulky or intrusive, through the incorporation of differing roof heights, and unique, fluctuating shape.

The proposed materiality comprises a red-brown primary brick colour, buff secondary brick colour, stained timber cladding, pigmented zinc panels, rusted steel effect greencoat, and profiled steel for the wall finishes. Wall details will include recessed stretcher bonds, linear bands (soldier, rowlock and double soldier course); and roof finishes will be zinc anthracite, clay tile, biodiverse green roof, and rusted steel effect greencoat. The sheet metal roofing is also similar to riverside buildings along the river in Littlehampton. These materials are appropriate, and help to tie the design of the site into the established vernacular of the surrounding area. A condition requiring the submission of samples and finalised details of all materials was imposed under the outline permission.

In respect of design and appearance, the development creates an attractive and innovative frontage to the River Arun. This proposes an exciting, unique and contemporary new gateway into Littlehampton, which would sympathetically respond to its context, whilst enhancing its surroundings. In order to preserve the visual appearance, design and coherence of all houses and layout of the site, especially in regard to the roof form, Permitted Development Rights in respect of extensions, roof alterations, outbuildings, fences and porches have been removed as a condition.

Density:

Part G of the ADG includes indicative density ranges for different settlement / centre types and building typologies. For this site, it is considered that the settlement would fall under the category of local service centres where the following density per hectare (dph) ranges are given:

- Detached and semi detached houses: 20-30 dph
- Terraced houses: 30-40 dph
- Flats: 40-60 dph

The outline application proposed an indicative density of 49 dph. The development now proposes 60 units, which equates to a total dph of 27.91. The quantum of building typologies on site comprises terraced houses and flats, of which 27.91 dph would fall short of the indicated density range for these building types. However, this is not negative, and demonstrates that the site would not be unduly cramped or overdeveloped. The lower density across the site lends to a more open, spacious and higher quality environment, which is more appropriate for this location than a higher density scheme. The site will create a new urban gateway to Littlehampton, and will abut the countryside. A lower density scheme aids the gradual transition from a countryside environment into an urban environment, and is more sensitive and organic to the surrounding context.

Scale:

Whilst scale was a matter agreed at outline, is it pertinent to ensure that the proposed design and layout of the units are in accordance with the approved parameter plans, and the landscape visual impact assessment (LVIA). Proposed Parameter Plan - heights and levels (drawing ref 030-S3-P042 Rev A) sets out four differing levels across the site, with maximum storey heights and levels set at the following (north to south):

- Up to 3 storey above parking level - ridge height c.17.6m from AOD;
- Up to 4 storey above parking level - ridge height c.18.6m from AOD;
- Up to 5 storey above parking level - ridge height c.21.6m from AOD;
- Up to 8 storey above parking level - ridge height c.32.6m from AOD.

All house types vary in height, measuring between 11.2m to 14.5m AOD; and have a storey level of between 3 and 4. All properties located in the north portion of the site (HT3, 6 and 7), and falling within the lowest height zone on the parameter plan have a storey height varying between 3 and 4, with all 4 storey house types providing an undercroft, and subsequently being 3 storeys above parking level. As a result, all house units satisfy the maximum heights and storeys as set by the parameter plan, and are in accordance with the scale accepted under LU/238/20/OUT.

The southern apartment block is located within the highest zone to the south of the site (up to 8 storeys). This block is 7 storeys, with a maximum ridge height of 28.13m AOD. This falls just over 4m and one storey short of the maximum parameter heights. This therefore accords with the scale approved at outline.

The LVIA undertaken at outline concluded that the proposal would have negligible beneficial to minor beneficial significance of effect on landscape receptors, including the north of the site which was designated as part of the Setting of Arundel (subject to ALP policy LAN DM2). Whilst it was agreed that the proposal would be visible in part from short, medium and long ranges, especially from the west, the railway and Arundel to Littlehampton Green Link, this visibility was not found to be adversely harmful, and the scales and heights shown within the parameter plan were found to be appropriate for this location. Whilst the layout has changed, the heights and scales do not exceed those evaluated at outline stage, and the visibility of the site will be no more harmful than previously assessed. As such, the impact to the surrounding landscape in respect of the scale of the development, especially in respect of ALP policies LAN DM1 and LAN DM2, remains acceptable.

In respect of layout, design and appearance, the development proposes an innovative and unique development which draws sensitively upon its surroundings. It would result in the creation of a high quality residential development, which also positively enhances the gateway into Littlehampton. In summary, the proposal is acceptable and in accordance with ALP policies D DM1, D SP1, LAN DM1 and LAN DM2, Policy 22 of the LNDP, the ADG and NPPF.

PUBLIC OPEN SPACE (POS) AND PLAY:

ALP policies OSR DM1 and HWB SP1 are relevant to the consideration of POS and play provision. 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 POS and play provision. The comments of the Council's Landscape Officer are also relevant to this issue.

The SPD sets out an overall requirement for 4,224sqm of POS, and 726sqm of Play Space. The quantum of play space would equate to 3 x LAP (100sqm each) and a LEAP (400sqm). Though not defined as LAP / LEAP, 850sqm of equipped play space is provided. 4,830sqm of POS, comprising Parks / Gardens, Amenity Green-space, and Natural / Semi natural spaces is also provided. This provision meets the requirements of the SPD, and is concluded to be an acceptable quantum for the

scale of the development.

The equipped play area along the riverside has been designed to emulate an aged shipwreck submerged within the river bank. This has been designed to create a unique and exciting play experience, comprising physical play (balance beams, rigging); social play (see-saw, play trail); creative play (sand pit); imaginative / role play (step changes and tactile features to emulate the shipwreck); exploratory / sensory play (driftwood, river stones); and reflective / quiet play (sheltered seating, planting, rocks and level changes). This shipwreck concept, and the proposed play equipment is supported, and has a strong narrative which is appropriate for this location. However, the details provided of the exact play equipment / materials and surfacing is vague, and as such the ADC Greenspace Officer has not been able to agree the play provision (the play equipment and surfacing) at this stage. Therefore, this aspect will need to be reserved to a condition.

Whilst not POS, the provision of the on-site multi-use gym facility will bring additional positive benefits which meet the objectives of HWB SP1; especially being a facility that can be used when weather reduces the useability of open spaces on site. As such, this will further support and promote the health and wellbeing of residents, by providing an easily accessible facility which can be accessed all-year round, and reduces the need to travel to further locations.

The layout allows for the provision of easily accessible POS for all residents and visitors to the site, and provides connections to the wider countryside along the River Arun. The positioning of the footpath and play along the riverside additionally allows for a unique play and recreation experience for residents and visitors, with the provision of the bird hide at the end of the footpath allowing for further connection to and education of local wildlife in this location. This offers many benefits to health and wellbeing. The submission is therefore in accordance with the relevant policies.

TREES & LANDSCAPING:

ALP policy LAN DM1 requires that development respect the particular characteristics and natural features of the relevant landscape character areas. ALP policy D DM1 requires new landscaping. Policy ENV DM4 states TPO protected trees or those that contribute to local amenity should not be damaged or felled unless the development meets certain criteria including that the benefits outweigh the loss of trees or woodland.

There are no TPOs located on the site. The proposal includes the loss of 3 No. Common Ash, 5 No. Common Hawthorn, 1 No. Pedunculate Oak, 1 No. small group of Field Maple and Hawthorn, and 1 No. Hedgerow group of Common Hawthorn. The proposed soft landscaping includes the planting of 67 No. new trees. More detail on the shrub planting has been requested by the ADC Greenspace Officer.

Both the ADC Ecologist and Greenspace Officer have provided comments on the proposed planting, especially in respect of the proposed trees. The ADC Ecologist has advised that the proposed tree schedule may need reviewing to ensure that the species proposed can tolerate the potentially salty conditions from the River. A suggestion to use holly instead of barberry was also given. The ADC Greenspace Officer has also recommended the proposed use of Ash should be replaced with an alternative species to prevent Ash die-back. The use of Rowan has instead been agreed; and this is noted to be suitable for environments subject to salt exposure.

The Council's Tree Officer has not yet provided any consultation comments and any that are received will be brought to the attention of the Committee by update.

Details of hard landscaping, boundary treatments and signage have been provided, and are concluded to be acceptable. It is noted that the Detailed Landscaping Plan (030-SSA-S3RM-(MP.ZZ)-DR-A-007 Rev

A) includes some discrepancies between the key colours, and those shown on the plan. Therefore, whilst the materials proposed in principle are acceptable, a revision of this plan is expected. Further details regarding the shrub elements of the proposed planting is also expected. Any further details highlighted in this plan will be included within a report update; however there are no objections to the proposed landscaping in general.

The proposal is acceptable in respect of landscaping and trees, and meets the requirements of ALP policies LAN DM1, D DM1, ENV DM4, Condition 24 of the outline permission, the ADG and the NPPF.

OTHER MATTERS:

Residential amenity and space standards:

ALP policy QE SP1 states that: "The Council requires that all development contributes positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity".

As a result of its isolated location approximately 500m from the nearest existing residential dwelling, the development would not result in any adverse harm to neighbouring amenity of existing residents; as a result of overbearing, overshadowing, overlooking, noise or disturbance. Neighbouring amenity is subsequently assessed as the impact that the layout and design would have to future occupiers of the site, through separation distances, differing users, overlooking, overshadowing and noise.

The ADG deals in part H.04 with separation distances between habitable rooms: 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 of properties facing each other. Back to Boundary: min. 12m between habitable rooms and site boundary to existing landscaping.

There are no conflicts in respect of the separation distances between the proposed dwellings. All houses are afforded open views of the river and surrounding landscape, and are not overlooked by any proposed or existing dwellings. There are no structures proposed which would result in any unacceptably adverse overbearing or overshadowing, and units are positioned to provide best possible amenity value from outlook, sunlight and daylight.

It is noted that units 19 and 20 would both include side windows, and as a result of their close separation distance, there is a risk of inter-overlooking between these two dwellings. As a result, a condition has been applied requiring all side windows on these units to be obscure glazed. For the purposes of privacy and protection of amenity, it has also been required that all bathroom / en-suite / toilet windows be obscure glazed for all buildings.

It is concluded that the layout, appearance and landscaping of the development affords residents with a high quality environment; offering many amenity benefits, and preserving the privacy of all residents. This accords with ALP policy QE SP1, and the ADG.

Policy D DM2 of the Arun Local Plan requires internal spaces to be an appropriate size to meet the requirements of all occupants and their changing needs. Section J.08 of the ADC Design Guide SPD reiterates the need to comply with the Nationally Described Space Standards (NDSS).

The NDSS sets out the following minimum gross internal floor areas (in sqm) for the proposed unit mix:

Unit	1 storey	2 storey	3 storey
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1B/2P	50	58	
2B/3P	61	70	
2B/4P	70	79	
3B/5P	86	93	99
3B/6P	95	102	108
4B/6P	99	106	112
4B/7P	108	115	121
4B/8P	117	124	130

The ADG includes guidance and criteria on several relevant matters including distances between dwellings, gardens, defensible space, and sunlight & daylight levels. Paragraph H.04 of the Arun Design Guide SPD advises that outdoor amenity spaces should be of an appropriate size and shape and be usable and enjoyable. It states rear gardens should have a minimum depth of 10.5m and buildings should be set back by 2m from the plot boundary to mark defensible space. Balconies should be at least 3sqm of useable space; and communal shared spaces should have a minimum of 40sqm plus 10sqm for each unit.

Whilst all dwellings are in accordance with the NDSS, and subsequently comply with ALP policy D DM2, all houses fall short of the minimum 10.5m garden depth as set out by the ADG. This is a conflict, and as such an assessment must be made as to whether the amenity space provided is sufficient. All house types bar HT7 are afforded one or more terrace / balconies, providing additional private amenity space in addition to rear gardens. In addition, it is acknowledged that these properties vary quite significantly from typical new builds as found around the District, with all dwellings being afforded outlook over the river, and easily accessible shared public open space along the riverfront. As such, the proposal is less comparable to other recent typical residential developments within Arun, and is more reflective of riverside / wharf style properties found south of the site along the Arun in Littlehampton, and north in Arundel. Properties along the Arun in Littlehampton are afforded varying amenity spaces and garden depths. Therefore, the proposed development reflects similar provisions for properties along the western side of the Arun at Arundel, along River Road.

As such, whilst a departure from the minimum garden depths set out in the ADG, the proposal presents the creation of wharf-style and riverside properties which are reflective of existing development within the District. Future occupiers will be afforded both private and public amenity space within easy access, alongside positive and open outlooks of the river and surrounding countryside. Subsequently, whilst not provided with deep gardens, it is concluded that the benefits offered to occupiers in lieu of this provision do outweigh the conflict with the ADG, and will have no unacceptably adverse impact on the amenity of future residents. It would therefore not be justifiable in this case to refuse this reserved matters application on conflict with this technicality.

As a result of their smaller size, and in order to prevent the loss or reduction of garden and external amenity space, Permitted Development Rights for outbuildings and extensions have been removed for all dwellings.

All but four of the flat units meet NDSS requirements. The 3B/4P flats (not duplex) fall 0.77sqm short of the minimum 86sqm. Whilst in conflict, this shortfall is so minor as to not justify a reason for refusal. All flats are afforded a minimum of one balcony exceeding 3sqm, providing sufficient private external amenity space for occupiers.

ALP policy D DM2 and the NDSS seeks primarily to ensure that residential space standards are appropriate for the requirements of proposed occupants. It does not set requirements for other spaces, such as gyms or moorings. The gym building will be three storeys; comprising lockers / changing / toilets

and office space at ground floor, gym space of 72sqm at first floor, and 35sqm gallery at third floor. Capacity and demand for the gym space will depend upon membership numbers, and therefore it is concluded that the two will influence one another. It is therefore not necessary to request specific space requirements for this building.

Whilst minorly conflicting technicalities set out in ALP policy D DM2, NDSS and the Arun Design Guide, the development offers substantial amenity benefits, which would provide a high quality environment to all residents. The proposal provides sufficient internal and external space for all occupiers; and would meet the requirements of all occupants and their changing needs. As such, the amenity of the proposed development is acceptable.

Lighting:

Policy QE DM2 concerns light pollution, and requires that proposals which involve outdoor lighting must be accompanied by a lighting scheme prepared according to the latest national design guidance and relevant British Standards publications.

Condition 9 of LU/238/20/OUT secured details of the external lighting to be submitted and approved prior to commencement. Further details to satisfy this condition are still required, however a lighting plan (030-SSA-S3RM-(MP.ZZ)-DR-A-010 Rev A) has been provided, setting out the types of lights to be used, and their locations within the site. This satisfies part of Condition 24 (vi), which requires details of the lighting to be used on the footpaths and cycle ways.

Various forms of lighting are proposed and these are considered acceptable, and will allow for sufficient illumination of the site and its associated footpaths and cycle ways, to ensure safe visibility and security. This is without undue detriment to the surrounding environment through creation of unacceptable light pollution; which will be further ensured through the approval of details at Discharge of Condition stage, where full details of illuminance levels will be assessed. No objection has been raised by ADC Environmental Health, and as such the details submitted at this stage are sufficient to comply with ALP policy QE DM2.

Biodiversity:

ALP policy ENV SP1 states ADC will encourage and promote the preservation, restoration and enhancement of biodiversity and the natural environment. Where possible it shall promote the creation of new areas for habitats and species. ALP policy ENV DM5 states development schemes shall seek to achieve a net gain in biodiversity and protect habitats on site.

The western part of the site (and land to the north, west and south) is shown on the Local Plan Policies Map as a Biodiversity Opportunity Area (BOA) and is subject to Policy ENV DM3. Where a proposal is likely to have an impact on species or habitats within a BOA, the policy requires an application for planning permission to include a properly conducted survey of the presence of that species or habitat and impact(s) that the development may have on the BOA.

The outline application was received prior to the introduction of statutory Biodiversity Net Gain (BNG) and so there is no requirement for statutory 10% BNG. However, per policy ENV DM5, it is still necessary to demonstrate a net gain.

An Ecological Impact Assessment report (EIA) was submitted with the outline application. These details were reviewed at the time by the ADC Ecologist, and found to be acceptable. The mitigations proposed within this Assessment were subsequently secured under condition 23 of LU/238/20/OUT. A Landscape and Ecological Management Plan (LEMP) was additionally conditioned (no.22).

The ADC Ecologist has identified that the surveys provided under the outline are now several years out of date, and further surveys and up-to date monitoring is required prior to commencement. Condition 23 imposed on the outline secures these further surveys and monitoring, and therefore it is not necessary to require anything further under this application. It was also identified that reptiles were recorded in low numbers across the site, and translocation was proposed; the Ecologist has therefore requested that a reptile mitigation strategy be conditioned under this application. However, on review of the mitigation measures included within in the EIA, it is considered that condition 23 adequately secures the mitigation measures set out for reptiles. A further condition is therefore not necessary.

It is noted that the report for the outline permission stated the following:

'ADC's Ecology Advisor is satisfied that the biodiversity enhancements outlined in the report would be suitable and has requested that further information be included in an ecological enhancement plan submitted as part of a reserved matters application. This could be secured through the use of a suitably worded planning condition.'

Despite this, a condition requiring the submission of an ecological enhancement plan at Reserved Matters Stage was not applied, and therefore these details have not been secured for submission as part of this application. A number of details pertaining to condition 24 (landscaping and layout particulars) have instead been provided, and this application has been subject to a consultation with the ADC Ecologist. The details provided include planting schedules and types of species to be used on site. However, there are no details of enhancement features such as bird and bat boxes, swift bricks and hedgehog highways. This does not justify a reason for refusal, and instead further details of ecological enhancement, requiring the incorporation of such features, have been secured by a condition under this application. This is deemed acceptable by the ADC Ecologist, who is satisfied with the details submitted at this stage, and will further ensure compliance with ENV DM5.

In addition to the assessment of lighting above, the impacts of proposed lighting on biodiversity and habitats must also be considered. The ADC Ecologist has stated that whilst the lighting proposed is acceptable, any lighting should avoid illuminating the river. A condition has therefore been requested to secure a lighting scheme that conforms with guidance on reduction of obstructive light and bats. However, on review of the condition imposed under LU/238/20/OUT, which seeks details of the external lighting of the site, it is concluded that this existing condition is sufficient to allow Officers to resolve any issues between lighting and biodiversity at Discharge of Condition stage.

Therefore, subject to compliance with the conditions applied under this application and LU/238/20/OUT, it is concluded that the proposed development accords with Policies ENV DM3 and ENV DM5 of the Arun Local Plan.

Transport, Parking and Access:

The site proposes to utilise an existing exit from Bridge Road Roundabout, currently serving access to the site. The use of this access was agreed at Outline stage; alongside the impact to traffic and operation of the highway network. As such these matters have been already approved, and no further objections are raised.

The Arun Parking Standards (APS) identifies the site as falling within Zone 4. This attracts the following parking space requirements dependent on the number of bedrooms:

- 1 bed: 1 space
- 2 bed: 1 space

- 3 bed: 2 spaces
- 4+ beds: 2 spaces

All houses are afforded 2 spaces each; meeting the minimum requirement of the APS. This provides a total of 58 allocated house parking and 36 allocated parking spaces are provided for the flats. 31 flats are proposed with the following mix; and the number of spaces this type of flat attracts as per the APS:

- 1 bed (x9) = 9 spaces
- 2 bed (x17) = 17 spaces
- 3 bed (x5) = 10 spaces
- Total = 36 spaces

The proposed allocated residential parking provision of 94 spaces (58 house; 36 flat) is acceptable and accords with the APS.

As per the APS, visitor parking must be provided at a rate of 20% of the total number of proposed units. Therefore, 60 residential units would attract visitor parking of a minimum of 12 spaces and the application proposes 13 residential visitor spaces, which exceeds this minimum requirement. The Manual for Streets additionally requires that 5% of parking spaces be designed for disabled / accessible parking. 94 residential spaces would attract a requirement for 4.7 disabled spaces. 5 residential accessible parking spaces are provided on site, which would comply with this requirement.

11 parking spaces are proposed for use by the gym (5) and moorings (6); with 2 accessible spaces included. The application is supported by a Parking Assessment Report, which seeks to evidence that the provision of up to 6 spaces will be sufficient for use by the 32 deep water moorings. Evidence of operational experience, showing the parking provision and mooring quantum for a number of other nearby sites, has been provided within the report; from which an average parking to mooring ratio of 17.5% has been calculated. It has then been found that 17.5% of the 32 moorings would equate to 5.6 parking spaces. This supports the proposal for the provision of 6 spaces.

Officers did raise concern that, unlike the other mooring sites mentioned within the report, there is no alternative parking provision located within close proximity to the site. Most other mooring sites are subsidised by on-street parking or nearby public car parks, which are able to facilitate any required overspill. However this is not the case for this site, where there is no nearby provision for overspill parking. The nearest on-street parking would be located a 15 minute walk away on River Road, which is unlikely to be suitable. Though it is noted there is parking facilities at Broad Piece to the east, this is privately owned, and cannot be considered as alternative parking provision.

As a result, in order to alleviate concerns, and provide further provision, it has been requested that the parking layout for the site be reviewed, in order to address whether there is any scope for the addition of 3 or more additional parking spaces. Confirmation of this is expected prior to the Committee meeting, and as such further information on this matter will be provided through a report update. The lack of parking for the moorings is not considered to be an issue which alone would warrant refusal; however it is deemed necessary that the scope for any additional parking spaces to be incorporated is fully explored.

Cycle Parking:

The APS sets out requirements for cycle parking provision. Residential properties must provide a minimum number of spaces, dependant on the size of the dwelling: 1 to 2 bed houses and flats must provide 1 space; 3+ bed houses must provide 2; and 3+ bed flats must provide 1 space.

It is detailed within the DAS and submitted plans that all houses will contain a utility and store room on the lower ground floor. This will have adequate space for 2 cycle spaces in all House Types other than 1, 2 and 8. These House Types will be required to provide cycle storage within the garden space.

The southern flat block requires the provision of 31 cycle spaces for residential use. Two cycle stores are proposed at ground floor, comprising a mix of Sheffield stands and semi-vertical stands. Across these two stores, 36 cycle spaces will be provided; allowing for both residential and visitor cycle parking.

In order to ensure all cycle parking provided within residential curtilage is acceptable, and finalise details of the storage, especially in the cases of HT1, 2 and 8, further details have been secured via a condition below.

The APS requires that 1 space per 4 staff plus a visitor cycle parking space is provided for class D2 uses. Class D2 previously covered gym uses; this now falling under Class E. A total of 6 external cycle parking spaces are proposed, in the form of Sheffield stands to be used by visitors and staff for the gym building. This is acceptable, and will be secured via condition.

Subject to compliance with the conditions below, the proposal is in accordance with the relevant development plan policies.

Housing Mix:

Policy H DM1 of the Arun Local Plan 2011-2031 seeks to secure a mix of dwelling types and sizes, including affordable housing units. It states, "for developments of 11 units or more the Council shall require a balanced mix of market and affordable dwelling sizes including family sized accommodation based on the most up to date SHMA recommendations".

The most up to date recommendations are contained in a report published in September 2016. The suggested mix of housing by size and tenure is as follows:

	1 bedroom	2 bedrooms	3 bedrooms	4+ bedrooms
Market	5-10%	40-45%	35-40%	10-15%
Intermediate/Starter Homes	15-20%	50-55%	25-30%	0-5%
Affordable Rented	35-40%	35-40%	15-20%	5-10%

The application contains the following mix for 52 market dwellings:

- 6x 1 bed units (11.5%)
- 14x 2 bed units (26.9%)
- 14x 3 bed units (26.8%) (3x 3 bed flat (5.7%) + 11x 3 bed house (21.1%))
- 18x 4 bed units (34.6%)

Affordable housing is discussed separately below under its own section; however for reference shared ownership is provided at a mix of 37.5% 1 bedroom units, 37.5% 2 bedroom units, and 25% 3 bedroom units for the 8 affordable dwellings. No affordable rented homes are proposed.

The Council's guidance on the Provision of Accommodation Suitable for Older People and People with Disabilities states that for schemes greater than 51 units inclusive, 50% of units should be designed to M4(2) standard - Access and adaptable dwellings, plus two additional units should be designed to M4(3) standard - wheelchair accessible, for every 50 units proposed thereafter. The provision of these units should be in both the open market and affordable sectors.

The DAS details that all apartments have been designed to achieve M4(2) compliance. This results in the total provision of M4(2) standard dwellings being 31; exceeding 50%. All shared ownership units will therefore also be M4(2). The scheme does not trigger the threshold for M4(3) standard units. The proposed provision is acceptable, and complies with the requirements of condition 34 of the outline permission.

The proposed mix comprises a greater number of 1 bed units, and 4 bed units to that set out in the SHMA recommendations, and a lower proportion of 2 and 3 bed units. Whilst this does not strictly accord with the SHMA, the balance in terms of dwelling sizes would not be unreasonable, and would allow for a varied mix of units across the site. Policy H DM1 allows for the mix to be negotiated on a site-by-site basis, and this does not need to be in complete accordance with the latest SHMA.

Therefore, in accordance with ALP policy H DM1, it is concluded that the housing mix is acceptable, and provides a balanced variety of different dwelling types and sizes.

Affordable Housing:

The S106 agreement sets out the requirement for Affordable Housing Units to be a 'minimum of 8 but not more than 30% of the Dwelling Units to be provided as Affordable Housing comprising Shared Ownership Units'. This Reserved Matters application confirms that the affordable housing will be delivered as 8 Shared Ownership units (13%), and will comprise the following mix:

- 3x 1 bed flat
- 3x 2 bed flat
- 2x 3 bed flat

This mix and provision accords with the requirements set out in the outline, and the S106 agreement. As such, the proposal is in accordance with ALP policy AH SP2.

Flood Risk and Drainage:

ALP policy W DM3 states all development must identify opportunities to incorporate a range of Sustainable Urban Drainage Systems (SuDS) as appropriate to the size of development.

The application site falls within flood zones 1, 2 and 3 (3a and 3b); is subject to areas of surface water (low to very low extents); and is in an area prone to high groundwater flood risk. The outline application was accompanied by a Flood Risk Assessment (FRA) and Drainage Statement. This received no objection from the WSCC LLFA, Environment Agency and ADC Drainage Engineers, subject to the use of conditions. Given that the application was in outline form, it was not possible to secure drainage details and design in full. As a result, in line with the consultations received at the time, numerous conditions were imposed relating to the submission of a surface water drainage scheme, sustainable drainage scheme, foul drainage and the subsequent maintenance and management and details surrounding discharge to watercourses. A condition was also applied requiring that the development be carried out in accordance with the submitted FRA (doc ref 4732, Ambiental, 10/06/2020), and include the mitigation measures it detailed. This condition confirmed approval of the details set out in the FRA; and as such it is not possible for the Council to require further details in respect of the flood risk on site.

Drainage designs can significantly influence the layout, scale and appearance of the development itself, the developable areas, and the quantum and detailing of landscaping. Equally, the layout of a development can impact the required drainage designs in the same way.

It is to be noted that there are outstanding objections from ADC Engineers and WSCC LLFA. However,

the council have recently sought a legal opinion to ascertain whether it is permissible to consider drainage issues insofar as they relate to layout after the imposition of pre-commencement conditions at outline stage. It has been confirmed that as drainage is not a reserved matter under the statutory definition, refusal of reserved matters on drainage grounds is not permitted. Further to this and following the recent judgment (CG Fry and Son Ltd), it is not permissible to impose new drainage-related conditions at the reserved matters stage unless they fall within the statutory definition of reserved matters, which, as already referenced, they do not.

Conditions 12 (submission of a surface water drainage scheme), 13 (discharge / culverting of watercourses), 14 (maintenance and management of the surface water drainage system), 15 (scheme for disposal of surface water drainage), and 16 (scheme for the disposal of foul water) of the outline permission remain outstanding and will be subject to separate review under a discharge of condition application.

The concerns raised by the Council's Drainage Engineers and the LLFA have been reiterated to the applicant, and it has been made clear that Officer's maintain concerns as to the ability of the applicants to adequately address these concerns within the constraints of the proposed layout. However, it is ultimately the applicant's responsibility to ensure that the layout as proposed can accommodate a suitable drainage scheme which accords with relevant development plan policies and complies with the overarching principles set out within the conditions. Therefore, all matters pertaining to surface water drainage will be considered as part of the discharge of condition application. Should the applicants have difficulty discharging the condition due to the layout proposed, then they will need to apply to amend the reserved matters details.

Marine Plan:

The intertidal zone between the high water and low water mark is covered by both the land-use planning and the marine planning systems. The principles of both systems are the same; enabling sustainable development.

The outline permission was assessed against the Marine Plan, and was found to accord with the relevant policies. This Reserved Matters application is considered to still meet the objectives of the policies, and subsequently complies with the Marine Plan.

CONCLUSION

Whilst there are some deviations from the ADG and other policy guidance, overall, this scheme is acceptable and complies with the policies of the development plan. The stated conflicts are relatively minor and are outweighed by the benefits that the scheme will bring including the affordable housing, the contribution to the Council's Housing Land Supply shortfall and the other obligations secured by the s106 legal agreement on the outline application. It is therefore recommended that this application for Reserved Matters is approved.

RECOMMENDATION

The recommendation is that this Reserved Matters application be granted subject to conditions.

HUMAN RIGHTS ACT

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

Rights.

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

COMPLIANCE WITH SECTION 106 DETAILS

The S106 dated 19th July 2022 has been reviewed under this application. The development is in compliance with the obligations set out within this S106, and has provided all required details to date to satisfy obligations triggered prior to submission of the Reserved Matters Application.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby approved shall be carried out in accordance with the following approved plans:

- 030-S3-P043-B-Proposed Parameter Plan-access Rev B
- 030-SSA-S3RM-(MP.XX)-DR-A-002 Gross Areas Rev E
- 030-SSA-S3RM-(MP.XX)-DR-A-003 Block Plan Rev G
- 030-SSA-S3RM-(MP.ZZ)-DR-A-004 Landscaping Rev D
- 030-SSA-S3RM-(MP.ZZ)-DR-A-005 Parking Rev D
- 030-SSA-S3RM-(MP.ZZ)-DR-A-006 Open Space Area Rev D
- 030-SSA-S3RM-(MP.ZZ)-DR-A-007 Detailed Landscaping Rev C
- 030-SSA-S3RM-(MP.ZZ)-DR-A-008 Refuse Rev B
- 030-SSA-S3RM-(MP.ZZ)-DR-A-009 Boundary Treatments Rev B
- 030-SSA-S3RM-(MP.ZZ)-DR-A-010 Lighting Plan Rev B
- 030-SSA-S3RM-(MP.XX)-DR-A-011 Boundary Sections Rev A
- 030-SSA-S3RM-(MP.XX)-DR-A-012 Boundary Sections Rev A
- 030-SSA-S3RM-(MP.XX)-DR-A-013 Spot Levels Rev C
- 030-SSA-S3RM-(MP.XX)-DR-A-014 Signage Rev A
- 030-SSA-S3RM-(MP.XX)-DR-A-020 Riverside Playspace 01 Rev A
- 030-SSA-S3RM-(MP.XX)-DR-A-021 Riverside Playspace 02 Rev A
- 030-SSA-S3RM-(MP.ZZ)-DR-A-600 Planting Schedule A
- 030-SSA-S3RM-(MP.XX)-DR-A-300 Elevations 1 Rev C

- 030-SSA-S3RM-(MP.XX)-DR-A-301 Elevations 2 Rev C
- 030-SSA-S3RM-(MP.XX)-DR-A-302 Elevations 3 Rev B
- 030-SSA-S3RM-(MP.XX)-DR-A-303 Elevations 4 Rev A
- 030-SSA-S3RM-(MP.XX)-DR-A-304 Elevations 5 Rev A

South Block:

- 030-SSA-S3RM-(BS.XX)-DR-A-300 South Block Elevation North Rev F
- 030-SSA-S3RM-(BS.XX)-DR-A-301 South Block Elevation East Rev F
- 030-SSA-S3RM-(BS.XX)-DR-A-302 South Block Elevation South Rev F
- 030-SSA-S3RM-(BS.XX)-DR-A-303 South Block Elevation West Rev F
- 030-SSA-S3RM-(BS.XX)-DR-A-600 South Block - Area Plans Rev E
- 030-SSA-S3RM-(BS.ZZ)-DR-A-101 South Block Plans 1 Rev E
- 030-SSA-S3RM-(BS.ZZ)-DR-A-102 South Block Plans 2 Rev E
- 030-SSA-S3RM-(BS.ZZ)-DR-A-103 South Block Plans 3 Rev F
- 030-SSA-S3RM-(BS.ZZ)-DR-A-104 Roof Plan Rev B

Gym / Clubhouse:

- 030-SSA-S3RM-(GM.XX)-DR-A-301 Elevation 1 Rev C
- 030-SSA-S3RM-(GM.XX)-DR-A-302 Elevation 2 Rev C
- 030-SSA-S3RM-(GM.ZZ)-DR-A-101 Gym Clubhouse Plans Rev C

House Types:

- 030-SSA-S3RM-(HT1.XX)-DR-A-200 HT1_Sections Rev D
- 030-SSA-S3RM-(HT1.XX)-DR-A-300 HT1_Elevations Rev D
- 030-SSA-S3RM-(HT1.ZZ)-DR-A-100 HT1_Plans Rev D
- 030-SSA-S3RM-(HT2.XX)-DR-A-200 HT2-Sections Rev D
- 030-SSA-S3RM-(HT2.XX)-DR-A-300 HT2-Elevations Rev D
- 030-SSA-S3RM-(HT2.ZZ)-DR-A-100 HT2- Plans Rev D
- 030-SSA-S3RM-(HT3.XX)-DR-A-200 HT3-Sections Rev E
- 030-SSA-S3RM-(HT3.XX)-DR-A-300 HT3-Elevations Rev E
- 030-SSA-S3RM-(HT3.ZZ)-DR-A-100 HT3-Plans Rev E
- 030-SSA-S3RM-(HT3B.XX)-DR-A-201 HT3B-Sections Rev E
- 030-SSA-S3RM-(HT3B.XX)-DR-A-301 HT3B-Elevations Rev E
- 030-SSA-S3RM-(HT3B.XX)-DR-A-101 HT3B-Plans Rev E
- 030-SSA-S3RM-(HT4.XX)-DR-A-200 HT4-Sections Rev B
- 030-SSA-S3RM-(HT4.XX)-DR-A-300 HT4-Elevations Rev B
- 030-SSA-S3RM-(HT4.ZZ)-DR-A-100 HT4-Plans Rev B
- 030-SSA-S3RM-(HT5.XX)-DR-A-200 HT5-Sections Rev E
- 030-SSA-S3RM-(HT5.XX)-DR-A-300 HT5-Elevations Rev E
- 030-SSA-S3RM-(HT5.ZZ)-DR-A-100 HT5-Plans Rev E
- 030-SSA-S3RM-(HT5B.XX)-DR-A-201 HT5B-Sections Rev E
- 030-SSA-S3RM-(HT5B.XX)-DR-A-301 HT5B-Elevations Rev E
- 030-SSA-S3RM-(HT5B.XX)-DR-A-101 HT5B-Plans Rev E
- 030-SSA-S3RM-(HT6.XX)-DR-A-200 HT6-Sections Rev C
- 030-SSA-S3RM-(HT6.XX)-DR-A-300 HT6-Elevations Rev C
- 030-SSA-S3RM-(HT6.ZZ)-DR-A-100 HT6-Plans Rev C
- 030-SSA-S3RM-(HT7.XX)-DR-A-200 HT7-Sections Rev D
- 030-SSA-S3RM-(HT7.XX)-DR-A-300 HT7-Elevations Rev D
- 030-SSA-S3RM-(HT7.ZZ)-DR-A-100 HT7-Plans Rev D

- 030-SSA-S3RM-(HT7B.XX)-DR-A-200 HT7B-Sections Rev C
- 030-SSA-S3RM-(HT7B.XX)-DR-A-301 HT7B-Elevations Rev D
- 030-SSA-S3RM-(HT7B.XX)-DR-A-101 HT7B-Plan Rev C
- 030-SSA-S3RM-(HT8.XX)-DR-A-200 HT8-Sections Rev B
- 030-SSA-S3RM-(HT8.XX)-DR-A-301 HT8-Elevations Rev B
- 030-SSA-S3RM-(HT8.XX)-DR-A-101 HT8-Plan Rev B
- 030-SSA-S3RM-(HT8B.XX)-DR-A-200 HT8B-Sections Rev A
- 030-SSA-S3RM-(HT8B.XX)-DR-A-301 HT8B-Elevations Rev B
- 030-SSA-S3RM-(HT8B.XX)-DR-A-101 HT8B-Plan Rev A
- 030-SSA-S3RM-(MT.XX)-DR-A-601 Materials Rev A

Infrastructure:

- 030-SSA-S3RM-(BS.XX)-DR-A-100 Bin Stores Rev A
- 030-SSA-S3RM-(MP.XX)-DR-A-012 Signage Rev A
- 030-SSA-S3RM-(SS.ZZ)-DR-A-100 Substation Rev A
- 030-SSA-S3RM-(BH.ZZ)-DR-A-100 Bird Hide Rev A

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Arun Local Plan policy D DM1 and QE SP1.

- 2 Prior to any development above damp-proof course (DPC) level, a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Ecological Impact Assessment (EIA) (25th June 2020 by The Ecology Co-op) shall be submitted to and approved in writing by the Local Planning Authority. The enhancement features must include the following, and can also include loggeries or hedgehog homes:

- Swift Bricks at a ratio of 1:1;
- Bat bricks at a ratio of 1:2;
- Hedgehog Highways

The enhancement measures shall be implemented in accordance with the approved details prior to first occupation of any part of the development and all features shall be retained in that manner thereafter.

Reason: To enhance protected and priority species and habitats in accordance with Arun Local Plan policies ENV SP1 and ENV DM5 and allow the Local Planning Authority to discharge its duties under the NPPF and s40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats and species).

- 3 No development above damp-proof course (DPC) level shall take place until full details of the in-curtilage secure cycle spaces and stores have been submitted to and approved in writing by the Local Planning Authority and the relevant houses / flats shall not be occupied until the approved cycle storage spaces associated with them have been provided. These cycle storage spaces shall thereafter be permanently retained and maintained.

Reason: To provide alternative travel options to the use of the car in accordance with Arun Local Plan policy T SP1.

- 4 No part of the development shall be first occupied until the six cycle parking spaces associated with the gym building have been provided in accordance with plans and details hereby approved. The spaces so provided shall be retained in perpetuity.

Reason: To provide alternative travel options to the use of the car in accordance with Arun Local Plan policy T SP1.

- 5 No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use and in accordance with Arun Local Plan policy T SP1.

- 6 None of the dwellings shall be occupied unless and until full details of the ancillary items to be provided such as number and location of bins, seating areas, bike storage and boundary treatments, and associated management arrangements for the Public Open Space and Play Areas have been submitted to and approved in writing by the Local Planning Authority. The approved details shall then be permanently retained and adhered to.

Reason: To ensure that play provision is in place for residents and that a management regime is established in accordance with Arun Local Plan policy OSR DM1.

- 7 No internally or externally located plant, machinery equipment or building services plant shall be operated on the site until an assessment of the acoustic impact arising from the operation of all such equipment has been submitted to and approved in writing by the Local Planning Authority. The assessment shall be undertaken in accordance with BS 4142:2014+A1:2019 and shall include a scheme of attenuation measures to mitigate the adverse impacts identified in the acoustic assessment. The scheme shall ensure that the rating level of noise emitted from the proposed building services plant is 5 dB less than the prevailing background sound level (LA90). The scheme as approved by the Local Planning Authority shall be fully installed prior to first operation of the plant and shall be retained as such thereafter. Any agreed attenuation measures shall be permanently maintained in good working condition.

The applicant should review the Planning Noise Advice Document - Sussex, November 2023: <https://www.arun.gov.uk/download.cfm?doc=docm93jjm4n19846.pdf&ver=24686>.

Reason: To protect the amenity of local residents in accordance with the Arun Local Plan policy QE DM1.

- 8 All proposed bathroom/en-suite/toilet windows on the flank walls of House Type 7b and 8b shall be glazed at all times with obscured glass to a level equivalent to Pilkington Level 3 or nearest equivalent standard. These arrangements shall be permanently retained thereafter.

Reason: To protect the amenities and privacy of future residential occupiers in accordance with Arun Local Plan policies D DM1 and QE SP1.

- 9 Notwithstanding the provisions of Parts 1 and 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (as amended) (or any Order revoking or re-enacting this Order) no extensions / roof additions or alterations / porches / outbuildings / fences / gates or walls shall be constructed unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To maintain adequate interface standards and in the interests of visual amenity in accordance with Arun Local Plan policies D DM1 and QE SP1.

- 10 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 NPPF.

- 11 INFORMATIVE: All other conditions on the outline that require approval in writing will require separate applications to be submitted to discharge these conditions.
- 12 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981 (as amended), 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.
- 13 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 0345 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.
- 14 INFORMATIVE: In the interests of crime prevention and deterrence, the development should incorporate security measures in accordance with the consultation advice of Sussex Police (dated 18/07/25) as available on the council's website.
- 15 INFORMATIVE: The applicant's attention is drawn to the requirements of the Environmental Protection Act 1990 and the Clean Air Act 1993 with regard to burning on site. A statutory nuisance may be caused by smoke and ash from fires or noise from the cutting or chipping trees. In addition, air quality could be adversely affected on large projects. The granting of this planning permission does not permit a statutory nuisance to be caused. The Environment Agency should also be contacted regarding Exemption Permits to burn on site.
- 16 INFORMATIVE: The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received. For further information, please contact the Environmental Health Department on 01903 737555.
- 17 INFORMATIVE: Through the discharge of condition 9 and 24 (vi) of LU/238/20/OUT, consideration should be had in regard to bats and biodiversity, especially in regard to the recommendations of the Institution of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Obtrusive Light" (GN01:2011) and. "Bats and Artificial Lighting at Night" (GN08 2023). Lighting should also be positioned as so to shine away from the river.