

REPORT UPDATE

Application No: LU/229/10/

Reason for the Update / Changes

Additional Consultation Responses and 1 Further Letter of Objection:-

Highways Agency

The Highways Agency have withdrawn their Article 14 Holding Direction and are now raising no objection to the application.

Primary Care Trust

NHS West Sussex is responsible for the provision of healthcare to the residents of the county. While the site in isolation would not impact on the ability of the General Medical Surgeries within Littlehampton to manage an increase in patient registrations of circa 200, we feel that the cumulative effect of all residential development proposals in the town needs to be recognised. Therefore request a contribution towards healthcare for these additional patients in the sum of £35,000.

WSSC Archaeology

No objection, subject to suggested condition.

The application site adjoins the Toddington Nurseries/ Elysian Fields recent residential development. On the eastern edge of that development site, adjoining Windroos Nurseries, archaeological features of Bronze Age date, and enclosures with ditched boundaries, with a trackway, of Roman date, were recorded.

The area of archaeological features of Bronze Age date, the Roman enclosures, fields and trackway may extend eastwards into the current application site. While much of the current site is now occupied, or has previously been occupied, by glasshouses and hard standings for car parking areas, the amount of previous ground disturbance need not have been deep enough substantially to have damaged buried archaeological remains, as seen on the adjacent Toddington Nursery site. As noted in the Heritage Statement (Wessex Archaeology) accompanying this application, the thicker than usual layer of overburden at the southern end of the Toddington Nursery site, is continuing eastwards into the current application site, should have preserved quite well any buried archaeological features.

The County Council concur with the appraisal in the Heritage Statement (5.3.2) that the potential for well-preserved archaeological remains to exist within the site boundary is high.

In the event of re-development, it will be important to seek to ensure that such archaeological remains are adequately investigated and recorded.

Because of the large area of the site currently occupied by existing buildings and hard standings, it is unlikely to be practical for much archaeological investigation to be carried out in advance of redevelopment. Accordingly, if these redevelopment proposals are permitted, it is recommended that all on-site archaeological investigation and recording should follow the demolition of existing buildings and precede the beginning of new development.

Initially this investigation should involve excavation by an archaeologist(s) of exploratory machine-excavated trenches, to assess the character, quality, density and extent of surviving ancient features, and to assess the degree of impact upon them of new development. This work should also include small-scale excavation of deeper test pits to ascertain the quality of more

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deeply buried deposits of prehistoric former shorelines the Sussex raised beach sequence contemporary with human occupation in north-west Europe, and which may contain flint artefacts.

Depending on the findings of exploratory investigation, further, targeted and more detailed archaeological investigation and recording may be required, in areas where buried ancient features would be unavoidably at risk from new development-related ground excavations.

One Letter of Objection:

Concerns over the viability of the Watersmead Business Park;

Concerns over noise transfer across site boundaries;

Concerns over second junction, which it is considered will have an adverse impact on the general level of congestion in the vicinity and on the Body Shop's ease of access to Watersmead;

Adopted Development Brief for site 7 envisaged an integrated development area for Site 7 and second junction is therefore unnecessary and undesirable.

Conditions:-

Condition 10 has been deleted from the recommendation sheet, as it was not considered to be necessary. Condition 10 (formerly condition 11) has been amended.

Officers Comment:

The agent has agreed to the contribution requested by the PCT and healthcare provision will therefore form part of the S106 agreement.

The condition suggested by WSCC Archaeology will be added to any approval on this site.

All of the points raised within the letter of objection, have been addressed within the Officers report.

Note: The changes to conditions are attached on the amended replacement recommendation sheet.

2nd Update to Report dated 7/2/11

Reason for the Update/Changes

1. Since the original report was written and presented to the Development Control Committee the South East Plan has been reinstated. Therefore, the Development Plan comprises the South East Plan and the Arun District Local Plan.

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2. The following policies of the South East Plan are therefore relevant to the considerations of the application:

SEP SCT 5 Housing Distribution
SEPH3 Affordable Housing
SEPH4 Type and Size of New Housing

3. In respect of paragraph 71 of PPS3, the Council's Annual Monitoring Report (December 2010) confirms that the Council is unable to demonstrate a 5 year housing land supply. This conclusion was reached on the basis of the housing requirements in the South East Plan.

The Council has adopted an interim requirement until such time as a new formal requirement is established; this has been agreed as 465 dwellings per year. However, the requirements of the development plan (in this case, the South East Plan) take precedence. This requires an annual figure (over 20 years) of 565 dwellings/year. Since the date of adoption, Arun DC has not delivered sufficient dwellings against this requirement and the requirements for the remainder of the plan period (up to 2026) are therefore rising. Therefore the proposals should be considered favourably in accordance with PPS3 (paragraph 71).

4. Providing and maintaining an adequate housing land supply is imperative on granting planning permission for new housing development. Based on this, there is not considered to be any justification in delaying a decision on the application proposals.

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.

LU/229/10/

Recommendation Report for Planning Permission

REF NO: LU/229/10/

LOCATION: Windroos Nursery
Worthing Road
Littlehampton

PROPOSAL: Outline application for redevelopment of site: Demolition of 2 bungalows, workshop, glasshouses and incidental development with erection of 91 dwellings with improved means of access onto worthing road (including closure of existing 2 accesses) with all other matters reserved.

SITE AND SURROUNDINGS

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DESCRIPTION OF APPLICATION

This is an outline application, seeking approval for numbers (91, as per description) and access only. All other matters (scale, layout, appearance and landscaping) are reserved matters and shown on the submitted plans for illustrative purposes only.

The proposed means of access allows for the closure of the existing two accesses onto the A259 Worthing Road and their replacement with a single means of access. The proposed access provides for a right turn lane from the A259 into the site and exiting vehicles being able to turn left towards the Watersmead roundabout.

The indicative housing mix is for 72 houses (79%) and 19 apartments (21%); however this is subject to change at the reserved matters stage.

The potential for future links to the adjacent residential development has been safeguarded by this application, as shown in the Illustrative Site Layout (Drawing No. 03 Rev C). These links cannot be achieved as part of this development, due to a strip of land running along the north and west side of the site, being outside the applicants control.

SITE AREA

2.38 hectares.

RESIDENTIAL DEVELOPMENT DENSITY (NET)

38 dwellings per hectare.

TOPOGRAPHY

Predominately flat.

TREES

There are a number of trees both within the site and to site boundaries (which are outlined within the submitted Arboricultural Implications Assessment and Method Statement). There is 1 No. Oak tree within the site, which the Councils Arboriculturalist recommends should be protected with adequate fencing, and retained as part of the development.

BOUNDARY TREATMENT

To southern boundary, adjacent to Worthing Road, 1m high red brick walling, with dense hedging/ shrubbery behind to a height of approximately 4m+. Walling continues along approximately a third of the site frontage. Dense hedgerow to south east corner of the

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SITE CHARACTERISTICS

site. To eastern boundary, dense tree coverage and a number of small shrubs. A number of trees along northern boundary. Hawthorn hedge to north western boundary. Dense tree coverage to west side boundary.

The application site is located to the north side of the A259 Worthing Road, west of Watersmead Business Park and east of the Site 7 Toddington development. There are currently 2 No. accesses off the A259 Worthing Road, into the site.

The current use of the site is predominately as a Haulage Depot for Stuart Lyons (Haulage) Ltd. The site has lawful use as a haulage depot (distribution of agricultural/ horticultural produce) with ancillary workshop, all within Use Class B8. This use is unrestricted in planning terms and can be lawfully operated 24 hours a day, 7 days a week.

Industrial buildings and glass houses located on site.

Two detached bungalows are located to the front north side of the site, adjacent to gravel access into the site. 1 No. bungalow has white rendered walls, and a brown tiled roof with gable ends. The other bungalow has stone walls and a pitched roof.

The application site is located within the defined built up area boundary for Littlehampton. The site is allocated for residential development within the Arun District Local Plan (Site 7).

CHARACTER OF LOCALITY

The application site is bordered to the south side by the A259 Worthing Road. A number of bungalows are located to the opposite side of the road. The wider residential area to the south side of the site is characterised by a mixture of detached and semi-detached bungalows, and two storey dwellings.

To the east of the site is Watersmead Business Park, which is the headquarters of The Body Shop PLC. This site has an open and spacious feel; although is bordered to site

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boundaries by trees. This site contains three industrial units (mixture of two and three storeys) and a three storey office block. In the south western corner of the business park is the Littlehampton Concert Band Stand.

Adjacent to the site and to the north and west sides, is Elysian Fields (Taylor Wimpey & David Wilson Homes Development). This was a site allocated for residential development within the Arun District Local Plan (Site 7), as per the current application site.

RELEVANT SITE HISTORY

LU/219/97	Continued use of site by food distribution business and retention of portakabin and refrigerator unit. Continued use of part of former packing shed as pine workshop.	ApproveConditionally 05-11-1997
LU/218/97	Retention of timber kiosk used in connection with sale of bedding plants	ApproveConditionally 12-11-1997
LU/252/97/CLE	Application for certificate of lawfulness for existing use of part of site as haulage depot with ancillary workshop	Approve 02-02-1998
LU/232/05/CLP	Application for a certificate of lawfulness for a proposed use of area of land for hardstanding	PP Not Required 20-09-2005
LU/262/07/CLE	Application for certificate of lawfulness for an existing use as a single dwellinghouse and garage. Formation of residential curtilage.	Refused 11-09-2007
LU/8/60	Renewal of temp consent to siting of a caravan	Temp Permission 12-02-1960
LU/37/60	Resiting of existing access and new road layout	ApproveConditionally 11-03-1960
LU/170/62	O/A erection of 3 bed house with garage	ApproveConditionally 15-10-1962
LU/238/62	Erection of bungalow & garage	Approve 12-11-1962
LU/144/63	Erection of a glasshouse	Approve 25-07-1963

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LU/227/63	Erection of double garage	Approve 10-10-1963
LU/281/64	Erection of a building to be used for general purposes boiler house cold store	ApproveConditionally 08-10-1964
LU/142/66	Erection of a glasshouse	Approve 26-05-1966
LU/25/68	Erection of horticultural glasshouses	ApproveConditionally 16-02-1968

REPRESENTATIONS

Representations received:

Littlehampton Town Council

No Objection.

However, Councillors stressed that the road widths on the new estate needed to be wide enough to allow bus and delivery vehicle access, with sufficient off street parking to ensure that safe passage can be made;

Wish to see a bus stop on the site, and wanted assurance that there would be similar entrance/ exit arrangements to the estate as per the adjacent Elysian Fields development;

Affordable housing allocation needs to be included, which should provide family homes;

In terms of S106, the Town Council would wish to see:

- A contribution towards the Lyminster by-pass (Priority);
- A contribution to new community centres (Southfields/ North Littlehampton etc);
- A contribution towards allotments;
- A contribution towards the Town bus service.

Five Letters of Objection (received from four different authors):

The proposals would conflict with the policy provisions of the Council's adopted Local Plan, Development Brief and national policy set out in PPS1, PPS3 and PPG13;

The development would put at risk the future operation of the adjacent Body Shop complex;

Concerns over the impact of the proposed development on The Body Shop's site during construction and, thereafter on highway capacity;

To provide the mechanism for the Windroos site to makes a proper and fair contribution to the advanced infrastructure costs already incurred, and which an integrated development of the Windroos site would benefit from, the consortium of landowners of the majority of the Development Brief land retained a strip of land around the edge of the Elysian Fields development. The boundary strips are held by Store Property, as trustee for the consortium of landowners;

Invitation to join consortium was offered to applicant; however there has not been a positive response;

Proposal would fail to achieve a properly integrated community;

Failing to ensure integration between the proposed development and that at Elysian Fields would be contrary to the Local Plan and the development Brief and would fail to ensure a sufficiently high standard of design, contrary to the provisions of PPS1 and PPS3;

Objections to the road through Faulkner Gardens being opened up at any point;

Will result in increased congestion and impact on the A259;

Do not agree that the impact from the 91 homes would be less than that from the current

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use;
Concerns over highway safety;
Concerns over risks to pedestrians;
Councils parking standards are too low;
Concerns over whether a bus could turn on the site;
Concerns over the impact of the demolition and construction of the applicant's site on their existing operations, notably the duration, and level, of vehicular movement along A259 and B2187;
Request additional information is submitted, relating to highway safety issues;
Concerns over the cumulative impact of the 'Courtwick' development in conjunction with the Windroos Nursery on the local highways notably the A259;
Proposal would result in the lengthening of local trips, contrary to PPG13;
Concerned as to the location and configuration of residential units 54-65;
Concerns over the potential increase in noise pollution;
Concerns over avoiding reverse sensitivity effects that may arise from occupiers being exposed to noise from the Body Shop's existing operations;
No evidence that local infrastructure (i.e. hospital replacement; doctors; dentists, cemeteries etc) will be increased to satisfy the demands of the occupants of the 91 new home.

Comments on Representations received:

The majority of points raised have been addressed within the conclusions section of the officers report.

This is an allocated site, as referred to in saved Policy Site 7 of the Arun District Local Plan and therefore the principle of residential development in this location has been accepted.

County Highways have raised no objection to the application, in terms of highway safety or parking provision. Amended comments are awaited from the Highways Agency, following the submission of additional information.

In line with the Councils Interim Affordable Housing Policy, 30% affordable housing will be provided on site, as part of this development.

The application will be accompanied by a S106 Unilateral Undertaking.

The Councils Environmental Health Department have raised no objection to the development on the grounds of noise and disturbance; however further details have been requested and should be submitted at the reserved matters stage. The applicant will be advised on these comments via an informative.

The potential for future links to the adjacent residential development has been safeguarded by this application, as shown in the Illustrative Site Layout (Drawing No. 03 Rev C). These links cannot be achieved as part of this development, due to a strip of land running along the north and west side of the site, being outside the applicants control. Although it would be preferable from a good design perspective for this proposal to integrate with the adjoining development, in officers professional opinion this issue would not warrant refusal of the application.

CONSULTATIONS

WSCC Local Development Divis.
Southern Water Planning
Environment Agency

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Sussex Police-Community Safety
West Sussex Primary Care Trust
Parks and Landscapes
Environmental Health
Engineering Services Manager
Planning and Housing Strategy
Env. Amenities & Comm. Safety
Engineers (Fluvial Flooding)
Economic Regeneration
Highways Agency
InterRoute
Building Control

Consultations responses received:

County Highways

Comments following submission of additional information:

Having read the Transport Note further clarifying the impact of the proposal on the Strategic Route Network, WSCC have no further comments to add to those included in the original consultation response on 16th September 2010.

Original comments:

No Objection, subject to suggested Conditions and S106 agreement.

Ecology: No strategic ecological objection.

Highways: The application includes a Transport Assessment (TA) prepared by Upton Mc Gougan and assesses the proposed residential development against the local highway network, accessibility to the site, the access options, transport policy, traffic impact, road safety, and a residential travel plan.

WSCC as local highway authority has assessed the transport aspects of the development against local transport policies, WSCC Transport Assessment guidance, the local road network, accessibility objectives, access design and capacity standards, road safety audit procedures, traffic impact, site layout principles and planning obligations.

Background - Design Brief and Access

In October 2003 Arun District Council adopted a development brief covering the land which is the subject of this application. The Development Brief gives clear and specific guidance as to how the site is to be accessed. It states that no intensification of use of the access would be supported. However it continues by stating that a limited amount of new housing may be able to be served in this way.

The Development Brief indicates a single point of access to serve all of site 7. It states that any other access will be for a temporary period pending connection to the permanent access road network to the west (i.e that already constructed as part of Site 7 - Elysian Fields).

Site & Surrounds

The site is a parcel of land lying directly to the north of A259 Worthing Road in Littlehampton. The A259 Worthing Road which the site fronts onto, forms part of the County's Strategic Road Network and is classified as a County Distributor Road. Acting as a bypass for Littlehampton, the A259 lies north of the town centre. In the vicinity of the site the A259 Worthing Road

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comprises a single lane in each direction and is subject to a 40mph speed limit. At this location, the A259 Worthing Road serves a number of residential side roads, many of these include right turn lanes and is street lit, with footways/ cycleways on both sides for the majority of its length.

To the east of the site the A259 Worthing Road forms a 5 arm roundabout with the A259 Rustington Bypass, B2187 Horsham Road, and the access to Watersmead Business Park. Approximately 1km to the west of the site the A259 Worthing Road forms 5 arm roundabout with the A284 Wick Street, Hawthorn Road and A284 Lyminster Road.

Walking and Cycling

Transport Policy advises that new residential developments are located in sustainable locations where residents and visitors would be able to access local services by choice of travel modes.

The development site is in a good location to encourage pedestrian and cycle trips given the location of Littlehampton town centre and its surrounding residential areas which are within the 2km maximum walking distance and 5km maximum cycling distances recommended in national guidance PPG13.

Pedestrian facilities in the vicinity of the site are good with lit footways. A number of cycleways in the area are separated from the traffic carriageway which make them more attractive to cyclists. Immediately to the east of the site entrance there is a signal controlled pedestrian crossing facility providing a safe crossing to local amenities. Another set of pedestrian lights are located to the west of the site.

The proposed dwellings are within easy walking distance of the bus stops on Horsham Road and within one kilometre walking distance of local leisure and healthcare facilities.

The site is within 2km of Littlehampton Central Business District and railway station, which is also accessible by cycle and bus services. There are a number of designated formal cycle routes within the vicinity of the site and cyclists could use existing local roads to access the town centre and the railway station.

Trip generation and Traffic Impact

The transport consultant has assessed the likely traffic generation of the proposed residential development from trip rate information for similar sites in the national TRICS database.

Each dwelling would generate 0.55 vehicles movements in the AM peak hour (08:00-09:00) and 0.53 vehicle movements in the PM peak hour (17:00-18:00) onto the local road network. For this application, 91 dwellings would generate 50 vehicular movements in the AM peak and 48 vehicular movements in the PM peak.

The estimated level of vehicular traffic generated by the development is low equating to less than one vehicular movement every minute in the peak hours. The TA compares existing trip generation of the site as a haulage site compared with expected trip generation from a development of 91 homes. This concludes that the trip generation for 91 homes would be less than that for the existing use. As such the proposed access satisfies the Development Brief requirement that "no intensification of use of the access would be supported".

Capacity analysis has been undertaken for the proposed right turn lane junction using the Transport Research Laboratory's (TRL) PICADY program.

The PICADY assessment shows that the proposed access would operate within capacity in the peak traffic periods with the development traffic in the 2011 (commencement of development) and 2021 (five years after commencement of development).

Conclusion

The Development Brief for Site 7 identifies that this site should be accessed via a single point. While WSCC would like to reiterate that a single point of access to the site is preferable, in real

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terms, a solution to 3rd party land issues may not be forthcoming. Given that the proposed site access meets all necessary criteria in terms of design and safety. WSCC are satisfied that the access proposals, trip generation and other factors would not prejudice safety or capacity and raise no objection to the application.

Contributions required towards School Infrastructure (Primary and Secondary), Library Infrastructure, Fire and Service Infrastructure and possibly Waste management Services.

Highways Agency (HA)

Further Comments:

Further to our letter dated 31st August 2010, we received a technical note on 8th October 2010 from the applicants transport consultants, Paul Basham Associates, comparing the expected traffic distribution of the proposed development with the site existing use.

Now satisfied that the development is unlikely to have a material impact on the Strategic Road Network. Therefore we withdrawn the Article 14 Holding Direction and replace it with the enclosed TR110 indicating no objection.

However, we wish to remain in discussions with the applicant, Arun District Council and West Sussex County Council with regards to securing a robust Travel Plan as part of the Section 106 Agreement.

Original Comments:

Directs that planning permission not be granted until 26th October 2010.

Transport Assessment

The HA expects Transport Assessments to be undertaken in line with the DfT's Guidance on Transport Assessment (2007). There are several components missing from the TA, of particular importance to the HA is trip distribution and assignment and the associated assessment of the impact of the development on the A27. Accident history at the A27 junctions should also be assessed.

Existing Environment

The traffic generation from the existing site operation has been set out in Table 2, an average 334 two way trips are generated each day. It is not clear whether this information is based on surveys of the site or other assumptions. The source of this data should be clarified.

Detail should also be provided about the distribution of the existing trips, specifically outlining the number of trips currently using the A27 and the proportion of these trips that occur during the peak hours so that these can be compared to the proposed development.

Proposed Development

Table 8 sets out estimated trip rates for the site which have been sourced from the TRICS database. These are generally considered to be reasonable for this site. On the basis of these rates, the 91 houses proposed within this application would be expected to generate approximately 463 two way trips each day, with 51 of these expected in the AM peak hour. Further detail of how this compares with the existing peak hour traffic generated by the site is required.

Whilst the daily traffic generated from the existing site, when converted to PCUs, appears to

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be similar to that expected of the development proposals, no detail has been provided about the number of vehicles expected to use the A27 in the peak hours for either existing or proposed site use, and therefore it is not possible for the HA to assess the impact of this development on the SRN. We expect that a haulage depot could generate a fewer trips in the peak hours than the proposed residential development and therefore the development proposals could have a more significant impact on the SRN than the existing operation.

Travel Plan

The HA expects Travel Plans (TPS) to be used to manage the demand for car trips from traffic generating developments, particularly those located close to congested sections of the SRN, such as this site.

The Framework Travel Plan produced for this application does not include specific targets mitigation measures or monitoring. The nature of the development site is already known and therefore specific details should be established at this stage. The HA expect TPS to be supported by a strong monitoring framework in order to ensure that they are effective. Effective monitoring is important and should give a clear indication of performance against set targets. If targets are not been met then effective enforcement measures should be triggered through a Section 106 agreement.

Transport and Access Feasibility Report

This document relates to improved access to the A259, the HA does not have any specific comments in relation to this document.

Further information relating to the peak hour impact on the A27 from the development proposals is required before the HA can assess whether the development will have a significant impact on the SRN. A strong travel plan should also be developed that can effectively manage the demand for vehicular trips from the site.

Southern Water

No Objection, subject to suggested condition and informative.

Following initial investigation, there is currently inadequate capacity in the local foul sewerage network to provide foul sewage disposal to service the proposed development. The proposed development would increase flows to the public sewerage system, and existing properties and land may be subject to a greater risk of flooding as a result.

Additional off-site sewers or improvements to existing sewers, will be required to provide sufficient capacity to service the development. Section 98 of the Water Industry Act 1991 provides a legal mechanism through which the appropriate infrastructure can be requested (by the developer) and provided to drain to a specific location.

However, the proposed foul flow could be accommodated if it can be proved that the foul flow from the proposed development are no greater than the existing levels and should be ensured that there is no overall increase in flows into the foul system. To investigate this option, you will be required to provide a topographical site survey and/or a CCTV Survey with the connection application showing the existing connection points, pipe sizes, gradients and calculations confirming the proposed foul flow will be no greater than the existing contributing flows.

Initial investigations indicate that there are no public surface water sewers in the area to serve this development. This should not involve disposal to a public foul sewer.

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The Councils Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose surface water from the proposed development.

The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SuDS).

SuDS systems usually have a significant land take and it is not clear how the SuDS facilities can be accommodated within the proposed layout. Before the proposed layout is approved, we advise that the applicant/ developer give consideration to ensure that the proposed means of surface water disposal can be accommodated within the proposed layout.

Under current legislation and guidance SuDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SuDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

Thus, where a SuDS scheme is to be implemented, the drainage details submitted to the local planning authority should:

- Specify the responsibilities of each party for the implementation of the SuDS scheme;
- Specify the timetable for implementation;
- Provide a management and maintenance plan for the lifetime of the development. This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Environment Agency

No Objection, subject to suggested conditions.

Planning permission should only be granted to the proposed development as submitted if the suggested planning conditions are imposed. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would wish to object to the application.

Sussex Police

The location is in an average crime risk area compared to the rest of Sussex and I do not identify any major concerns with the proposal. Pleased to note that the DAS submitted in support of the application gave details of crime prevention measures to be considered in the design and layout of the development. Guidance on Information Requirements and Validation (CLG 2010), Section 6, Paragraph 132 states, "PPS1 makes clear that a key objective for new developments should be that they create safe and accessible environments where crime and disorder or fear of crime does not undermine quality of life or community cohesion. Design and Access statements for outline and detailed applications should therefore demonstrate how crime prevention measures have been considered in the design of the proposal and how the design reflects the attributes of safe, sustainable places set out in Safer Places - The Planning System and Crime Prevention".

At the entrance of the development brick piers or pillars in conjunction with a change of colour or texture of the road surface can be very effective in raising awareness that one is entering a semi public area. This can have a psychological effect on visitors and the residents who

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themselves can experience a sense of ownership and pride in their surroundings. The roads layout and the outward facing dwellings create good defensible space. Parking in the main has been removed from the street leaving the road layout free and unobstructed. However there are some unobserved parking courts at the rear of plot 2, plots 15 & 16 and adjacent to plot 53.

It is important that the boundary between public space and private areas are clearly indicated. It is desirable for dwelling frontages to be open to view, so wall fences and hedges will need to be kept low or alternatively feature a combination (max height 1m) of wall, railings or timber picket fence.

Vulnerable areas such as side and rear gardens need more and robust defensive barriers by using walls or fencing to a minimum height of 1.8metres. In circumstances that require a more open feature, 1.5m fencing topped by 300mm of trellis can achieve both requirements. Gates that provide access to the side of the dwelling or rear access to the gardens must be located on or as near to the front of the building line as possible. Consideration to be given to wooden palisade constructed gates that give observation in both directions.

Leisure areas including Local Areas of Play, Local Equipped Areas of Play and Neighbourhood Equipped Areas of Play require careful consideration when selecting their location. This must include inclusion of boundary fencing and landscaping of the area, but still provide natural surveillance and lighting as appropriate. The play areas should also reflect the differing age ranges, ensuring consideration has been given to all. The National Playing Fields Association have recommendations for particular areas of choice.

As there will be a percentage of the dwellings requiring SBD accreditation, I direct the applicants attention to our website at www.securebydesign.com for further information. It may be beneficial from a marketing viewpoint to apply the SBD award to the whole development.

The mandatory physical security requirements under the SBD scheme are:-

- All final exit doors should conform to PAS 024 and any glazing, including sidelights, should be laminated, any outward opening doors would benefit from hinge bolts.
- Main communal entrance doors should be subject to access control with any trades buttons being coded and not timed. There should be an audio link with electronic release from the apartments. An audio/ visual link is required if ten or more households share a communal entrance.
- The individual apartment entry doors should also conform to PAS 024 and be fitted with viewers and chains and where appropriate have letter aperture deflectors fitted.
- All ground floor and accessible windows must accord with BS7950 be laminated and if openers, have restrictors fitted.

Finally, lighting will be an important consideration, both in the car parking area, around the buildings and communal areas.

Sussex Primary Care Trust
Awaited.

Parks and Landscapes
Arboriculture

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Comprehensive tree survey in accordance with BS5738 has been undertaken. The tree protection fencing identified with the tree protection plan must be conditioned with any permission.

The fencing associated with the hawthorn hedge (H17) on the north western boundary short must additionally have tree protection fencing extending 5m from the base of the trees. This will need to form part of the condition.

The poplar trees (G18) lining the western edge of the site provide good visual amenity in addition to their biodiversity importance. However being poplar trees they have limited life expectancy. The completed development further to the west where constructed has occurred and the heaps of soil and compaction within the site to the east have encroached within the trees root protection areas (BS5837 (2005)) which would have caused damage to underlying roots, reducing their overall life expectancy. It may be possible to have the trees and reduced to make them safe but such an operation would affect their visual amenity and their potential for Tree Preservation Order Status.

The three Monterey Pines (G16) to the east of the eastern boundary form a compact and healthy group with potential to become a prominent feature within the landscape and are worthy of protection. Therefore they should not be indiscriminately cut to the fence according to each of the Pine trees calculated root protection area must be erected prior to the commencement development activities. The proposed parking area should be built with a special surface as suggested in the Ecourban consultants report, page 27. It may be possible to crown lift the lower branches away from the proposed car parking area for future vehicle access.

No objection to the removal of trees identified for removal with the exception of Oak tree (T11). This is noted to have an asymmetric crown caused by the pruning back of branches from the suspended powers lines; it appears to have good form as viewed from the highway. If the power line and poles are decommissioned the Oak tree has potential to reform and balance its crown to become a prominent feature within the site. It is therefore recommended that the Oak tree is protected with adequate fencing according to the BS5837 (2005) by provided substantial fencing to a distance of at least 5.5m.

Biodiversity/ Ecology

The recommendations contained within the habitat survey report must be included within the conditions of any planning approval.

- Clearing of remaining vegetation must not be carried out during the bird nesting season.
- A reptile survey is carried out prior to works commencing on site.
- Vegetation on the western boundary is retained - this is noted as recommended in the tree protection plan.
- Bat and bird boxes are provided to enhance the ecological potential of the site and mitigate for the loss of mature vegetation.

Landscaping

The provision of landscaping for the development must be conditioned with any permission. Some indicative planting have been illustrated with the plan provided this must be a condition of any reserved matters application. Suggested conditions.

Public Open Space

Objection due to insufficient provision of POS.

The Councils SPG remains relevant as part of the Councils saved policies. In addition, the Council has an Open Space and Recreational Study (2009) completed as part of the PPG17 requirements. This provides evidence of the shortfall of open within this part of Littlehampton.

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The outline development of 91 units would require an area of 0.48 ha of public open space (2.2 people per household). The application states that the proposal provides for 4.3ha of POS. Some of the proposed POS is at the frontage of the site and is therefore inappropriate to be termed POS; it cannot be included in the calculation leaving only 0.29ha. This would result in a further shortfall in the POS.

The proposed provision of a LEAP and LAP is satisfactory. An indication of the future management responsibility for areas of open space should be provided. A commuted sum for future management / maintenance can be calculated for the local authority to adopt the plays areas and open space.

SuDS

The use of a part of the POS for a SuDS is noted however the full implication of the SuDS within the POS needs to be provided including its future management and maintenance.

Environmental Health

No Objection, subject to suggested conditions.

Noise/ Air pollution:

You may wish to consider requesting detail of facade attenuation measures proposed to habitable rooms fronting the A259 & the adjacent Watersmead Business Park (current plans do not indicate a boundary with the railway line) and specification of boundary attenuation measures indicated in the north-east corner of the site.

Not aware that there are currently significant noise sources adjacent to the north east boundary of the site, I believe it used to be the location of the Body Shop Day Nursery, a survey of the background noise in this area would confirm this but would not of course be an indication of noise from future development in this area.

Land Contamination:

The Preliminary Contamination Assessment Ref: 022.1832/RK/92139A dated July 2010 is satisfactory. We agree with the recommendation for a full site investigation including asbestos sampling. Please apply suggested conditions.

Engineers

No Objection, subject to suggested conditions. The need for groundwater table monitoring should be emphasised, particularly as we approach the wetter winter months.

As far as I am aware there have been no discussions regarding the proposed surface water drainage for this site and no submission of proposed drainage details to date.

Housing Policy

Comments on this scheme are included on page 33 of the Design and Access Statement:-

- The Council would like up to 40% affordable but is realistic about economic viability and could accept between 30-40%;
- The tenure split ideally 80/20 social rented/ intermediate housing, but could go down to 70/30 subject to intermediate housing products;
- Littlehampton has a large supply of flats and requires a significant proportion of 3 & 4 bed houses, seeking commitment to Lifetime Homes, Code of Sustainable Homes Level 3 or even

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higher. They also have demand for 2 bed disabled person bungalows;

- The mix for affordable units should be 20% x 1-bed, 40% x 2-bed, 30% x 3-bed and 10% x 4-bed;
- 1-bed will be all flats and agreed that 2 beds should be evenly split between houses and flats;
- Agreed with the positioning of the 1 & 2 bed flats in a single block in the north-eastern corner of the site where they can help negate any noise from the Body Shop complex;
- Agreed that the house can be pepper potted around the site in clusters of 6-10 units;
- Agreed that there may be potential for the Council to accept less affordable housing on grounds of viability and a trade off with fewer flats and more houses.

Additional comments:-

Wish to draw to the applicants attention the Council's new Interim Affordable Housing Policy which was approved by Full Council on 18th August 2010.

This included the following relevant paragraph at section 2:

"In order to introduce a degree of certainty and transparency in discussions with developers a 'capping clause' be sought in S106 agreements regarding the value of land and property sold by a developer to a Registered Social Landlord. It is proposed that this will seek that the owner or developer make an offer to an RSL which shall include:

- a) sale of land contract;
- b) a draft transfer;
- c) a price of the completed properties of 45% of open market value at time of offer:

A report on 'Affordable Housing Options - Viability Study Update 2009/10 - Final Report - July 2010' was produced for the Council by Adams Integra. This is available on the Council's website and provides the background viability to the Council's new Interim Affordable Housing Policy.

Environmental Amenities and Community Safety
Awaited.

Economic Development

We don't have any formal guidance for employment provision but we have followed the recommendations in the infrastructure report undertaken by King Sturge working with EDAW/AECOM which assessed 20sq m employment floorspace per dwelling to be provided on site as a requirement.

Therefore 91 houses x 20sq m would give an expectation of 1820 sqm of provision.

We would be seeking a commuted sum. We have calculated a formula for commuted sums based on the sq m of provision as follows:-

Use of land for employment would be equivalent to only building 41 dwellings per hectare rather than 45. Taking account of development costs it would reduce estimated net surplus per hectare from £88,094 to £13,274 so the cost to the developer would be £74,820 per hectare (equivalent to £1824 for every dwelling built).

On the above basis 91 homes would require a commuted sum of £165,984. However, the calculation was estimated in better economic times and so to reflect this we are prepared to

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reduce the base sum for each dwelling by 15%. This gives a new calculation of £1550 per dwelling to the sum due would be £141,050. I think it is a very reasonable request considering the site is not only occupying 2.38 hectares but we would also be losing an additional 388 sqm of existing employment space and 48 full-time jobs.

Cultural Development

The increase in the number of houses proposed by this development must be supported by improvements to local infrastructure and we would be expecting a contribution towards swimming pools of around £20,592 and to halls of around £37,557.

Comments on Consultation responses:

Any approval will be subject to a S106 Unilateral Undertaking.

The conditions/ informatives suggested by County Highways, Southern Water, Environment Agency, Parks and Landscapes, Environmental Health and Engineers will be added to any approval.

The applicant will be advised of the comments made by Environmental Health and Sussex Police, via an informative.

This Council agreed an Interim Affordable Housing Policy on 18th August 2010, which states that 'from developments of 15 or more units an affordable housing provision of 30% across the board should be required of developments'. The provision of 30% affordable housing on site, is therefore required as part of this development. This will be secured through a S106 Unilateral Undertaking.

It is noted that the Highways Agency have withdrawn their Holding Direction. It is not considered appropriate for the Travel Plan to form part of the S106 agreement; however a condition will be attached to any planning permission accordingly.

It is noted that Parks and Landscapes have raised an objection to the application on the grounds of insufficient provision of Public Open Space. At this time, this Council is of the view that Strategic Housing Infrastructure in Littlehampton is a priority and as such, officers have negotiated its inclusion as part of the overall obligation package, whilst applying more flexibility to other matters - which in this case includes accepting a lower provision of public open space. Therefore, although the comments of Parks and Greenspaces are noted, this objection will not be forming a reason for refusing this application.

POLICY CONTEXT

Designation applicable to site:

Within Built up Area Boundary

Site 7

Class 'B' Road

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:

GEN2
GEN5
GEN7
GEN8

Built-up Area Boundary
Provision of New Residential Development
The Form of New Development
Development and the Provision of

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<u>GEN9</u>	Infrastructure
<u>GEN12</u>	Foul and Surface Water Drainage
<u>GEN18</u>	Parking in New Development
<u>GEN20</u>	Crime Prevention
	Provision of Public Open Space within New Development
<u>GEN32</u>	Noise Pollution
<u>DEV17</u>	Affordable Housing
<u>AREA17</u>	Sites of Archaeological Interest

PLANNING POLICY GUIDANCE

PPS1	Delivering Sustainable Development
PPS3	Housing
PPS5	Planning for the Historic Environment
PPS9	Biodiversity & Geological Conservation
PPG13	Transport
PPG17	Sport and Recreation
PPG24	Planning and Noise

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to comply with relevant Development Plan policies in that this is an allocated site, as referred to in saved Policy Site 7 of the Arun District Local Plan and therefore the principle of residential development in this location has been accepted. Subject to the submission of a satisfactory reserved matters application, it is considered that the proposal would not have a materially adverse effect on the visual amenities of the locality or the residential amenities of any adjoining properties, nor would it have an adverse impact upon the established character of the surrounding residential area.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PROPOSAL

The current application is seeking outline approval for numbers (91, as per description) and access only. All other matters (scale, layout, appearance and landscaping) are reserved matters

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and shown on the submitted plans for illustrative purposes only.

The proposed means of access allows for the closure of the existing two accesses onto the A259 Worthing Road and their replacement with a single means of access. The proposed access provides for a right turn lane from the A259 into the site and exiting vehicles being able to turn left towards the Watersmead roundabout.

The indicative housing mix is for 72 houses (79%) and 19 apartments (21%); however this is subject to change at the reserved matters stage.

This application would result in the relocation of the existing Haulage business to elsewhere in Arun District.

PRINCIPLE

The Local Plan was adopted in 2003 and covers the period up to 2011. It is therefore in need of replacement with a new local planning policy document. The Council was progressing towards the replacement of the Local Plan with a Core Strategy until the Government revoked the South East Plan in July 2010.

The whole of the application site forms part of Site 7, an area of land allocated within the Arun District Local Plan for residential development. A Development Brief was adopted as Supplementary Planning Guidance titled Development Brief for Land at Toddington, in October 2003. This document was prepared with the intention of guiding development on this land.

Policy SITE7 of the Arun District Local Plan, which includes the application site and adjoining land to its north and west, states that the site should be developed at a minimum density of 30 dwellings per hectare with provision made for 180 dwellings of which 30% shall be affordable housing, along with improvements to the A259 Worthing Road, public open space provision, community facilities, infrastructure and effective attenuation measures to protect proposed dwellings from noise from the road and neighbouring business uses.

Subject to other development control criteria, the principle of residential development on this site is therefore accepted.

Following revocation of the South East Plan (and consequential removal of defined housing requirements etc) and a change in Government, the Council has sought to progress the replacement of the Local Plan with a new local planning policy document and the process of consulting upon this document will commence in early 2011. In accordance with the guidance from Government, this will consider the levels of required development over a 15 year period derived from evidence and consultation.

Para 71 of PPS3 states that;

Where Local Planning Authorities cannot demonstrate an up-to-date five year supply of deliverable sites, for example, where Local Development Documents have not been reviewed to take into account policies in this PPS or there is less than five years supply of deliverable sites, they should consider favourably planning applications for housing, having regard to the policies in this PPS including the considerations in paragraph 69.

The assessment of the application proposals against paragraph 69 of PPS3 will be outlined

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below. In respect of paragraph 71 of PPS3, The Councils Annual Monitoring Report (December 2009) confirmed that the Council was unable to demonstrate a 5 year housing land supply. However, this conclusion was reached on the basis of the housing requirements in the South East Plan. The South East Plan has since been revoked.

Because of the lack of formal housing requirement following the removal of the South East Plan, the Council has adopted an interim requirement until such time as a formal requirement is established; this has been agreed as 465 dwellings per year.

Solely on the basis of planning permissions outstanding at April 2009, the Council has a housing land supply of 101.4% (with 100% being exactly 5 years). On the basis of data at the time of writing, it has been concluded that April 2009 is the most appropriate starting point for these calculations.

It is acknowledged that this position has its limitations because of the urgent need to adopt an interim position. It does not consider projections, small sites, proportions for non-implementation or inclusion of wind fall or SHLAA sites.

The position of maintaining an adequate housing land supply is imperative on granting planning permission for new housing development and the provision of increased numbers of affordable dwellings should carry significant weight. Granting permission for 465 dwellings in any given year would maintain the housing land supply position, granting permission for more than 465 dwellings would enhance the housing land supply position and put the Council in a stronger position to resist unacceptable housing development proposals. Based on this, there is not considered to be any justification in delaying a decision on the application proposals.

CHARACTER

Policy GEN7 of the Arun District Local Plan requires development proposals to display a high quality design and respond positively to the identified characteristics of the area.

Para 69 of PPS3 states;

In general, in deciding planning applications, Local Planning Authorities should have regard to:

- Achieving high quality housing.
- Ensuring developments achieve a good mix of housing
- The suitability of a site for housing, including its environmental sustainability.
- Using land effectively and efficiently.
- Ensuring the proposed development is in line with planning for housing objectives, reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives e.g. addressing housing market renewal issues.

Policy SITE7 of the Arun District Local Plan states that the site should be developed at a minimum density of 30 dwellings per hectare along with improvements to the A259 Worthing Road, public open space provision, community facilities, infrastructure and effective attenuation measures to protect proposed dwellings from noise from the road and neighbouring business uses.

In recent years, Taylor Wimpey and David Wilson Homes have developed the adjoining land to the north and west sides, following planning approval (by appeal) in January 2007 (Planning ref: LU/61/06/). The development comprises 393 dwellings, including a mix of flats (32%) and houses

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(68%). Affordable housing has been provided at 30%. This development provides an average residential density of 41 dwellings per hectare.

The proposal would result in a residential housing density of 38 dwellings per hectare. This is in accordance with saved Policy Site 7 of the Arun District Local Plan and the Development Brief. Further, the density would be marginally lower than the adjoining site to the north and west sides. It is therefore considered that the site could satisfactorily accommodate 91 dwellings and the resultant development would appear in keeping with the surrounding residential area and in compliance with paragraph 69 of PPS3.

The site is classified as previously development land, located within the defined built up area boundary. The site is bordered by residential development to the north, west and south sides, with Watersmead Business Park to the east. Taking this into consideration, it is therefore considered that the proposed outline planning application to develop this site with 91 No. dwellings would represent an acceptable form of development, which would appear in keeping with the character of the surrounding area, which is predominately residential.

HIGHWAYS ISSUES

The site has two existing access points both located in the south east corner of the site. The first is a larger primary access used by the haulage business. The second access point is in the far south eastern corner and provides access to the right of way which runs through the site. The site benefits from existing unrestricted vehicular access onto the A259 as a result of the lawful commercial operations from the premises. All vehicles, including those from the haulage business are entitled to make all turns onto/ off the A259. At present, there is no right turn facility into the Application site from the A259.

At the development brief stage, it was noted that 'land in the south eastern part of the Development Brief area, at Windroos Nursery, has existing access direct from Worthing Road which serves the business currently operating there. Any intensification of use of that access to serve new development would not be acceptable to the Highway Authority, but a limited amount of new housing may be able to be served in this way, for a temporary period, pending connection to the permanent access road network to the west'.

The current application will be accessed via the existing primary access point, with potential for future links to the adjacent residential development to the existing highway network via Faulkner Gardens and Oliver Acre, as shown in the Illustrative Site Layout (Drawing No. 03 Rev C). However, these links cannot be achieved as part of this application, due to a strip of land running along the north and west side of the site, being outside the applicants control. As such, this application shows 1 No. access being retained onto Worthing Road.

Despite the comments stated within the Development Brief, County Highways have raised no objection to the retention of this access, on a permanent basis from a highway safety perspective.

Although the current situation is far from ideal, and it would be preferable from a good design perspective for this proposal to fully integrate with the adjoining development, it is Officers opinion that the application could not be refused planning permission on these grounds. Further, Officers are of the view that it would not be reasonable to impose conditions in order to ensure that linkages are implemented within a specified timescale, due to a possible ransom situation being

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created.

If Members are of a different viewpoint however, they could consider imposing a condition on the planning permission, requiring completion of these linkages to the west prior to occupation of the xth unit of the development/ or within x months of completing the development. Alternatively, if Members consider this to be an important issues that cannot satisfactorily be addressed via a condition, Compulsory Purchase is an alternative option.

The Highways agency have issued a direction on this application, that planning permission may not be granted until 26th October 2010 to enable the applicant to submit additional information. This additional information has been submitted and revised comments are awaited from the Highways Agency.

PARKING

The application site has 68 existing parking spaces; with 197 parking spaces proposed as part of this development.

The submitted layout shows a mix of parking to include:-

- Dedicated on street parking bays.
- On plot parking.
- Parking and garage courts.
- Home zone parking areas.
- Visitor parking within the highway.

AFFORDABLE HOUSING

The illustrative site layout shows a possible layout for the development and mix of housing. The submitted planning statement states that at this stage a minimum of 30% affordable housing will be provided, including 63 private dwellings and 28 affordable dwellings. Of the affordable element, 11 could be apartments (one and two beds) and 17 houses (two, three and four beds). It is noted that although the precise housing mix and site layout will be considered at the reserved matters stage, the illustrative plans demonstrate the feasibility that this form of development can be achieved.

This Council agreed an Interim Affordable Housing Policy on 18th August 2010, which states that 'from developments of 15 or more units an affordable housing provision of 30% across the board should be required of developments'. The provision of 30% affordable housing on site, is therefore required as part of this development and will be secured through a S106 Unilateral Undertaking. Details of the preferred mix of units are outlined within the Councils Housing Policy comments.

EMPLOYMENT

The application site benefits from a Certificate of Lawfulness granted in 1998 for the use of the site as a haulage depot. The site operates without any planning restrictions. The business has over over 50 employees drivers, mechanics and office staff. With the release of this site for development, it will be necessary for the applicant to relocate his business elsewhere.

The site is not a protected employment site and there are no planning policies that would seek to prevent its loss. Taking this into consideration, together with the fact that this site is allocated for residential development, no objections are raised to the loss of employment provision on this site.

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The Councils Economic Development Team have requested a commuted sum towards employment provision; however it is noted that this Council has no formal guidance for employment provision at this time. Further, this Council is of the view that Strategic Housing Infrastructure in Littlehampton is a priority and as such, Officers have negotiated its inclusion as part of the overall obligation package, whilst applying more flexibility to other matters - which in this case includes no commuted sum towards employment. Therefore, although the comments of Economic Development are noted, Officers are of the view that the benefits of a financial contribution towards Strategic Housing infrastructure would outweigh any harm that could result from no commuted sum towards Employment Provision in relation to this development.

PUBLIC OPEN SPACE

Parks and Landscapes have raised an objection to the application on the grounds of insufficient provision of Public Open Space (Public Open Space). The Councils Supplementary Planning Guidance remains relevant as part of the Councils saved policies. In addition, the Council has an Open Space and Recreational Study (2009) completed as part of the PPG17 requirements. This provides evidence of the shortfall of open space within this part of Littlehampton. The outline development of 91 units would require an area of 0.48 ha of public open space (2.2 people per household). The application states that the proposal provides for 0.43 ha of POS. However, some of the proposed POS is shown on the indicative layout at the frontage of the site and, if this was proposed as a detailed layout, would be considered neither usable or quality on-site open space. Therefore, this cannot be included in the calculation leaving only 0.29ha, resulting in a further shortfall in the POS.

At this time, this Council is of the view that Strategic Housing Infrastructure in Littlehampton is a priority and as such, Officers have negotiated its inclusion as part of the overall obligation package, whilst applying more flexibility to other matters - which in this case includes accepting a lower provision of public open space. Therefore, although the comments of Parks and Greenspaces are noted, Officers are of the view that the benefits of a financial contribution towards Strategic Housing infrastructure would outweigh any harm caused by a shortfall of Public Open Space provision in relation to this development.

HOUSING DESIGN AND LANDSCAPING

This is an outline application, with scale, layout, appearance and landscaping being considered at the reserved matters stage.

The agent has stated that the indicative housing design would consist predominately of two storey properties, with some two-and-a-half and three storey units used to give emphasis to certain aspects of the design. At this time, the majority of two-and-a-half and three storey units are located in the north east corner of the site, in response to noise constraints from the adjoining Body Shop site. The remaining two-and-a-half and three storey units would surround the central space and LEAP.

It is considered that the indicative scale, layout and appearance of the housing appear acceptable; however this will be considered in greater detail at the reserved matters stage.

Landscaping conditions will be imposed at this outline planning permission stage.

S106 UNILATERAL UNDERTAKING

Planning permission on this site will be subject to submission of a satisfactory S106 Unilateral

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Undertaking.

This undertaking will include the following:-

- School Infrastructure Contribution, towards Primary and Secondary Education.
- Library Infrastructure Contribution.
- Fire and Rescue Service Infrastructure.
- Waste Management Services.
- Affordable Housing 30% on-site provision.
- Public Open Space - A commuted sum for maintenance of Public Open Space and play provision.
- Swimming Pools and Halls - Contribution towards swimming pools of £20,592 and to halls of £37,557.
- Strategic Housing Infrastructure - financial contribution of £140,000.
- Health Care Provision.

SUMMARY

The current application is seeking outline approval for numbers (91, as per description) and access only. All other matters (scale, layout, appearance and landscaping) are reserved matters and shown on the submitted plans for illustrative purposes only.

This is an allocated site, as referred to in saved Policy Site 7 of the Arun District Local Plan and therefore the principle of residential development in this location has been accepted.

It is considered that the site can satisfactorily accommodate 91 dwellings, together with the associated foul and surface water drainage, open space etc. Further, County Highways have raised no objection to the proposed permanent access off the A259 Worthing Road.

It is therefore concluded that the proposed outline development would be acceptable subject to the submission of a satisfactory reserved matters application. It is considered that the proposal would not have a materially adverse effect on the visual amenities of the locality or the residential amenities of any adjoining properties, nor would it have an adverse impact upon the established character of the surrounding residential area.

It is therefore considered that the application should be approved outline planning permission, Subject to the Highways Agency removing their direction on the application, receipt of a satisfactory S106 Unilateral Undertaking and the conditions detailed below.

RECOMMENDATION

APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT

- 1 The permission hereby granted is an outline permission under Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995 and an application for the approval of the Local Planning Authority to the following matters must be made not later than the expiration of 5 years beginning with the date of this permission:-

- (a) Layout;
- (b) Scale;
- (c) Appearance;
- (d) Landscaping.

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Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be begun either before the expiration of 5 years from the date of this permission, or before expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

- 3 This permission relates to the following approved plans:-

Site Plan. Scale: 1:1250@ A4. Drawing No. 01.
Site Plan. Scale 1:500@ A1. Drawing No. 01.
Indicative Site Layout. Scale 1:500@ A1. Drawing No. 03 Rev C.
Access Plan. Scale 1:500@ A1. Drawing No. 02.
Sightline Survey. Scale 1:500@ A1. Drawing No. 022.1832.S1.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with GEN7 of the Arun District Local Plan.

- 4 No development shall be carried out until all buildings and structures existing on the application site at the date of this permission have been demolished, the debris removed from the site and the site cleared.

Reason: In the interests of the amenities of the locality in accordance with policy GEN7 of the Arun District Local Plan.

- 5 Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to an approved, in writing, by the local planning authority:

1) A preliminary risk assessment which has identified:

- all previous uses;
- potential contaminants associated with those uses;
- a conceptual model of the site indicating sources, pathways and receptors;
- potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

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

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that any contamination related to the historic and recent site uses does not cause pollution to controlled waters due to the development in accordance with PPS23 and Policy GEN26 of the Arun District Local Plan.

- 6 Prior to occupation of any part of the development hereby permitted, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with policies GEN7 and GEN31 of the Arun District Local Plan.

- 7 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with policies GEN7 and GEN31 of the Arun District Local Plan.

- 8 No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To ensure that surface water drainage does not mobilise or cause pollution to controlled waters in accordance with PPS23 and Policy GEN26 of the Arun District Local Plan.

- 9 Development shall not commence until a surface water drainage scheme for the site, based on sustainable drainage principles and including an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority, in consultation with Southern Water and the Environment Agency. The scheme shall also include:
- a "Surface water Management Statement, or a SUDS Design Statement detailing the management train processes;

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- details of how the scheme shall be maintained and managed after completion;
- details of how the scheme relates to any identified contamination and risk assessment;
- information of pollution prevention.

The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To ensure that the development is satisfactorily drained and to protect groundwater quality from sources of pollution or mobilisation of contamination in accordance with PPS23 and Policies GEN7, GEN9 and GEN26 of the Arun District Local Plan.

- 10 Infiltration rates for soakaways and SUDS systems are to be based on tests undertaken over the wetter winter period. The design should be based on BRE 365, and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the highest recorded groundwater table. It must also have provision to ensure that there is capacity in the system to contain below the lowest ground level the 1 in 100 year event plus 20% rainwater volumes.

Any Sustainable Urban Drainage Scheme (SUDS) or soakaway design must include 12 months of groundwater table monitoring data to determine the typically highest annual groundwater table in support of the design.

Reason: To ensure that the development is satisfactorily drained in accordance with policies GEN7, GEN9 of the Arun District Local Plan.

- 11 Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following information shall be submitted to an approved, in writing, by the local planning authority:

1) A vehicle swept path analysis to support the movement framework for emergency vehicles and refuse vehicles, both within the internal layout and where appropriate in respect off-site highway proposals. Any issues identified within this analysis need to be addressed.

2) A clear indication of the areas to be offered for highway adoption is required for the internal layout-prior to the commencement of development. Details of street furniture, materials, street lighting specifications etc should all be included to support site master planning process.

3) Prior to any development a Construction Traffic Management Plan must be submitted and approved by the County Council.

Reason: In the interests of road safety in accordance with Policy GEN7 of the Arun District Local Plan.

- 12 The development hereby approved, shall not be commenced until such time as a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan once approved shall thereafter be implemented and monitored as agreed. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

Reason: To encourage and promote sustainable transport amongst residents and visitors to the residential development in accordance with PPG13.

- 13 The development permitted by this planning permission shall only be carried out in accordance with the approved Extended Phase 1 Habitat Survey Report - Bat Survey. Reptile Habitat Assessment July 2010. The clearing of remaining vegetation, must not be carried out during the bird nesting season. A reptile survey shall be carried out prior to works commencing on site and submitted to the Local Planning Authority for approval. Vegetation on the western boundary shall be retained, as recommended in the tree protection plan. Bat and bird boxes shall be provided to enhance the ecological potential of the site and mitigate for the loss of mature vegetation.

The development shall be carried out in accordance with the approved details and any subsequent amendments shall be agreed in writing with the local planning authority.

Reason: This condition is necessary to ensure that Reptiles and its habitat is protected both within and adjacent to the development site. Without this condition, it is possible that avoidable damage could be caused to the nature conservation value of the site contrary to national planning policy as set out in Planning Policy Statement 9 and Planning Policy Statement 1. The applicant could also be liable to criminal prosecution under the Wildlife and Countryside Act 1981 (as amended by CROW 2000) and the Habitats Directive regulations for European Protected species.

- 14 No development shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and of the environment of the development in accordance with policy GEN7 of the Arun District Local Plan.

- 15 No trenches or pipe runs for services and drains shall be cut or laid within 5 metres of the bole of any existing tree to be retained on this or adjoining sites.

Reason: To protect tree roots from damage likely to lead to the loss of the tree in the interests of the visual amenities of the locality in accordance with policy GEN7 of the Arun District Local Plan.

- 16 No development, including site works of any description, shall take place on the site unless and until all the existing trees/bushes/hedges to be retained on the site have been

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protected by a fence to be approved by the Local Planning Authority erected around each tree or group of vegetation at a radius from the bole or boles of 5 metres or such distance as may be agreed in writing by the Local Planning Authority. Within the areas so fenced off the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant machinery or surplus soil shall be placed or stored thereon without the prior written approval of the Local Planning Authority. If any trenches for services are required in the fenced off areas they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left unsevered.

In addition, the following shall be adhered to as part of the development hereby approved:-

- The fencing associated with the Hawthorn Hedge (H17) on the north western boundary, must have tree protection fencing extending 5m from the base of the trees.
- The Oak Tree (T11) must be protected with adequate fencing according to the BS5837 (2005) by providing substantial fencing to a distance of at least 5.5m.
- The three Monterey Pines (G16) to the east of the eastern boundary should not be cut to the fence boundary as proposed by the Ecourban consultants.

Any trees removed without such consent or dying or being seriously damaged or becoming seriously diseased during that period shall be replaced in the following planting season with trees of such size and species as may be agreed with the Local Planning Authority.

Reason: To ensure the retention and maintenance of trees and vegetation which are an important feature of the area in accordance with policy GEN7 of the Arun District Local Plan.

- 17 The burning of materials obtained by site clearance or from any other source shall not take place within 6 metres of the furthest extent of the canopy of any tree or group of trees to be retained on the site or on land adjoining.

Reason: To protect trees and vegetation from fire damage in the interests of the visual amenities of the locality in accordance with policy GEN7 of the Arun District Local Plan.

- 18 No development shall take place until the following information, relating to noise attenuation has been submitted to, and approved by, the Local Planning Authority, in consultation with the Councils Environmental Health Officers:-
- Details of façade attenuation measures proposed to habitable rooms fronting the A259 and the adjacent Watersmead Business Park (current plans do not indicate a boundary with the railway line);
 - A specification of boundary attenuation measures indicated in the north-east corner of the site;
 - A survey of the background noise adjacent to the north east boundary.

The development shall be carried out in accordance with the approved details.

Reason: To protect the amenities of occupiers of adjoining properties in accordance with Arun District Local Plan Policies GEN7 and GEN32.

- 19 An archaeological investigation of the site shall be carried out at the expense of the developer in accordance with a specification to be submitted to an agreed by the Local Planning Authority in writing following the demolition of any existing buildings and before the commencement of building works.

Reason: To ensure appropriate investigation and recording of archaeological Heritage Assets on the site prior to commencement of new building works, in accordance with saved policy AREA17 of the Arun District Local Plan and PPS5 (Planning for the Historic Environment).

- 20 No dwelling shall be occupied until space has been laid out within the site for the parking of cars in accordance with a drawing and schedule to be submitted and approved in writing by the local planning authority. These areas shall thereafter not be used for any purpose other than the parking of cars.

Reason: To accord with the parking requirements in accordance with Policy GEN7 of the Arun District Local Plan.

- 21 **INFORMATIVE:** Summary of Reasons for Grant Article 31 Development Management Procedure Order 2010

SUMMARY

This planning permission is granted because it complies with the policies listed below in that this is an allocated site, as referred to in saved Policy Site 7 of the Arun District Local Plan and therefore the principle of residential development in this location has been accepted. Subject to the submission of a satisfactory reserved matters application, it is considered that the proposal would not have a materially adverse effect on the visual amenities of the locality or the residential amenities of any adjoining properties, nor would it have an adverse impact upon the established character of the surrounding residential area and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

LOCAL PLAN: GEN2, GEN5, GEN7, GEN8, GEN9, GEN12, GEN18, GEN20, GEN32, DEV17.

NATIONAL POLICIES: PPS1, PPS3, PPS9, PPG13, PPG17, PPG24.

This is only a summary of reasons for granting to comply with Article 31 and full reasons appear in the Officer report.

- 22 **INFORMATIVE:**

The applicant/ developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (Tel: 01962 856688) or www.southernwater.co.uk

- 23 **INFORMATIVE:**

The applicant is advised of the consultation response, which was received from Sussex

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Police on 2nd September 2010 and is available to view on the Councils website (www.arun.gov.uk). These comments should be taken into consideration as part of any reserved matters application.

24 INFORMATIVE:

The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.

25 INFORMATIVE:

This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0845 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.

26 INFORMATIVE:

Please note that related to this permission is an agreement under Section 106 of the Town & Country Planning Act 1990.