

Recommendation Report for Approval of Reserved Matters Following Outline Approval

REF NO: LU/234/16/RES

LOCATION: Fitzalan Link Road
Littlehampton

PROPOSAL: Application for reserved matters relating to access, appearance, landscaping, layout and scale of the previously approved LU/63/11/. This application affects a Public Right of Way

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

This is an application for reserved matters relating to access, appearance, landscaping, layout and scale of the previously approved LU/63/11 (outline application) for the construction of the 'Fitzalan Link Road' between the A259 Worthing Road and the East Street/Fitzalan roundabout. The site is located on the northern edge of Littlehampton approximately 1.9km from the town centre.

It is proposed that the new Fitzalan Link Road will provide the link between the new Lymminster Bypass to the north, and the existing road network of East Street and Fitzalan Road. The proposed road runs south from the A259 and connects to the southern element of the Link Road that has been delivered by West Sussex County Council. The proposal includes a new roundabout to be constructed at the southern end of the road providing access to Littlehampton Academy. This application affects two public rights of way (PROW), Nos 3103 and 3654. The PROW 3103 runs the length of the Link Road that is subject to this application and the 3654 is located to the north of the Link Road where it connects with the A259 roundabout. The amendments to the PROW would result in the PROW following the footpath link that is proposed to be provided alongside the carriageway and a safe crossing point is provided.

The application follows the outline approval under LU/63/11 for the construction of approximately 800 metres of new highway between a new roundabout to be created on

the A259 Worthing Road, connecting into the southern section of the Link Road created as part of the Littlehampton Academy Development. It would comprise a single lane carriageway in each direction, each varying in width from 2.75 to 3.65 metres and a footway/cycleway on each side.

The proposed new vehicle, cycle and pedestrian corridor comprises the southern part of the A284 Lyminster bypass. The southern section of the Lyminster bypass has outline permission under LU/47/11 as part of the development at Toddington Nursery. The bypass is proposed to bridge the main railway line and Toddington Lane, and extend southwards to a roundabout on the A259 Worthing Road. The Fitzalan Link Road forms part of the proposed strategic transport corridor which will provide a strategic link to the A27; and it will also provide the principal means of access to Littlehampton Academy.

SITE AREA

The site area is 2.43ha.

RESIDENTIAL DEVELOPMENT DENSITY

N/A.

TOPOGRAPHY

The application site is predominantly flat, situated between the South Downs National Park to the north, and the coastal plain to the south. It is within the built up area boundary of Littlehampton, surrounded by mixed uses of residential estates, schools, a caravan park and business premises.

TREES

There is a substantial strip of parkland trees to the north of the site, and numerous trees around the East Street junction. The existing trees on the site consist of a mix of species with hybrid black poplar occurring most regularly. A maturing hedge predominately of hawthorn with some ash and elder runs through the site from NE-SW. Whilst there are no Tree Preservation Orders (TPOs) covering trees on the site, there are some TPOs on neighbouring property ref TPO/LU1/93 and TPO/LU/1/95 - it is not envisaged that they would be affected by the proposed development.

The application incorporates a plan showing a root protection area for each retained tree. The proposed development will require the removal of four healthy trees - two alders and two black poplar hybrids. Four other trees require removal due to their poor condition. In addition a group of trees requires removal and the hedge which crosses the site also requires a section to be removed. The application provides a detailed arboricultural method statement which aims to ensure the protection of retained trees during the site demolition and highway construction works.

BOUNDARY TREATMENT

The site boundary is defined to the north by Worthing Road (A259) and to the south a section of the Fitzalan Link Road has already been built, so that the boundary is just south of the new roundabout which facilitates entry into the Academy. The southern boundary line is where there is a pedestrian /cycleway crossing between Cornwall Road to the west towards Elm Grove Road to the east. The existing section of the Link Road continues southwards to the junction of East Street (B2187) and Fitzalan Road.

The western boundary of the site is defined by rear garden fences of residential properties along Highdown Drive and Paterson Wilson Road. In the southern part of the site the western boundary is defined by the Police building on Paterson Wilson Road and a disused area of land to the south, immediately adjacent to East Street.

There are a variety of land uses along the eastern boundary of the site, including education, open space and residential. Starting at the northern end of the site there is Cornfield School, which has mature trees along its boundary with the site. To the south is the continuation of the undeveloped land through which the proposed Fitzalan Link Road passes. Further south is the large site of The Littlehampton Academy. The northern part of the site boundary with the Academy is defined by mature trees and an overgrown hedgerow. However, the site extends into

Academy playing fields, crossing boundary features, where it proceeds southwards towards Elm Grove Infant School. the route of the Link Road crosses the western edge of land within the primary school, and follows the alignment of the rear garden fences of properties along the southern part of Highdown Drive. The route crosses the cycleway/footpath linking Cornwall Road to the west of the site with Elm Grove Road to the east. Rosemead public open space, houses and Summerlea House nursing home define the eastern boundary of the site between Elm Grove Infant School and East Street. Avenues of mature conifers define the site boundary in this location.

SITE CHARACTERISTICS

The site principally comprises vacant land with no specific land use.

CHARACTER OF LOCALITY

See 'Boundary Treatment' above.

RELEVANT SITE HISTORY

LU/63/11/	Outline Application for the construction of the "Fitzalan Link Road" between the A259 Worthing Road & the East Street/Fitzalan Road roundabout - This application affects a Public Right of Way	ApproveConditionally 06-06-2012
LU/47/11/	Outline application with some matters reserved for mixed use development comprising: demolition of existing buildings and structures, up to 1,260 residential dwellings (out of a potential 1,460 dwelling masterplan), up to 13,000 sqm of B1 employment floorspace (including 3,000 sqm Enterprise Centre), up to 3,500 sqm of Class A local facilities, a 100 bed hotel, 60 bed care home, a new 2 Form Entry primary school, community centre, youth and leisure facilities, combined heat & power plant, extension to existing household recycling centre, landscaping, replacement and additional allotments, multi-functional green infrastructure including sports pitches (& associated changing facilities), informal open space, children's play areas, primary vehicular access from a new access from the A259 bridging over the railway line with	App Cond with S106 23-01-2013

additional access from Mill Lane & Toddington Lane. This application is the subject of an Environmental Impact Assessment & a departure from the development plan. This application affects a public right of way.

The proposed Fitzalan Link Road is a fundamental part of the infrastructure required for the development of the strategic site of North Littlehampton. The purpose of the Link Road is to provide good access to the new strategic development area north of Toddington Lane, to improve the transport infrastructure for the town and for the sub-region, to enable the delivery of a substantial new housing area and employment area, providing community and sporting facilities in an area of substantial need. The development of both the strategic site of north Littlehampton and the new proposed Link Road have been the subject of substantial and ongoing public consultation.

REPRESENTATIONS

Representations received:

Littlehampton Town Council

No objection following the submission of amended plans which include the provision of bus laybys and a toucan crossing.

One representation was received objecting and raising the following issues:

- ~ approve of the proposed bank and fence at the rear of the properties at Highdown Drive, but request that the noise and pollution levels be further reduced by the implementation of a better bank and fence barrier, then landscaped, such as that implemented at A259 at Bognor Regis from Felpham to North Bersted.
- ~ road surface which reduces tyre noise and cuts down pollution
- ~ implementation of a speed limit of 30mph
- ~ the s-shaped bend that is proposed to join the Link Road may prove to be very dangerous as there is considerable speeding in the locality
- ~ if the Highdown Road junction with the new Link Road is to proceed, the exit should be a left turn only ~ any traffic leaving Highdown Drive wishing to go towards the town would have to go around the new A259 roundabout and u-turn back towards the town. To stop traffic attempting a right turn a triangle island should be placed in the centre of the Highdown Drive / new road junction. Because of the closeness of the lanes approaching the roundabout, there may be a problem for road users queuing at the roundabout from the new road.
- ~ insufficient room for traffic queuing to turn right off the new Link Road into Highdown Drive at rush hours. The Catholic school is very busy at school start and close times. This is likely to result in traffic queuing back onto the new A259 roundabout at these times. It would ease the problem if at the eastern end of Cornwall Road (southern end of Highdown Drive) a new road junction was included to join with the new Link Road.
- ~ alternatively the simplest and cheapest way would have been to make the Highdown Drive junction with the A259 a left turn exit only. Unfortunately, the present designed position of the roundabout makes this impossible.

Two representations neither supporting nor objecting made the following comments:

- ~ query over the whether the land between the proposed Link Road and Oak Croft Gardens would be retained for public use or developed for housing.
- ~ request that conditions are imposed to prevent housing on the open land.

- ~ the Council should satisfy itself that noise mitigation is adequate. Specifically the eastern boundary of the relief road abuts the boundary of Rosemead Park.
- ~ the boundary vegetation of Rosemead Park is progressively being removed on safety grounds. In addition there is a retirement home in the locality.

Comments on Representations received:

The issues raised are dealt with in the 'Conclusions' section of the report.

CONSULTATIONS

WSCC Strategic Planning
Engineers (Drainage)
Engineering Services Manager
Parks and Landscapes
Arboriculturist
Ecology Advisor
Archaeology Advisor
Environmental Health
Environment Agency
Highways England
Southern Water Planning
Surface Water Drainage Team

Consultations responses received:

HIGHWAYS ENGLAND:

No objection raised.

ENVIRONMENTAL HEALTH (Noise):

The noise report submitted by the applicant shows that the noise mitigation will bring the noise to acceptable levels. Some outdoor living areas will be exposed to high levels of ambient noise in excess of guidelines and the noise level at some sensitive receptors will have significant adverse affect(s). Request that the system for noise mitigation be reviewed to determine whether it can be further improved. The applicant has confirmed with Environmental Health that the acoustic barrier will be 3.5 metres high at all locations. Noise modelling has been undertaken by the applicant's noise consultant for the whole of the length of the Link Road. In terms of the speed limit, everything south of the proposed speed limit change is proposed to be 30mph, i.e. the signal crossing and roundabout.

ARCHAEOLOGY:

No objection raised. The archaeology evaluation has demonstrated that the site is unlikely to contain significant structures or deposits and that no further investigation is warranted.

SOUTHERN WATER:

No objection raised to the reserved matters application. Southern Water's previous correspondence of 4th April 2011 still applies to this application. The application is located over a critical distribution water main, so there is a potential loss of supply should it be damaged in the construction works. It is therefore essential that the contractor contacts Southern Water before development commences on site.

ADC GREENSPACE:

No objections raised following the submission of revised landscaping plans A088461 FL1 and FL2 REV H. It is confirmed that the amendments now include a scheme which adequately addresses the lack of native planting and screening to the eastern boundary and school

boundary aspect of these proposals. The species choice and mix is suitable for location and purpose. Details of the maintenance regime and long term maintenance management have also now been provided.

ECOLOGY:

No objection raised. In response to WYG report submitted with the reserved matters application, Reptiles and bat surveys have already taken place. The removal of suitable bird nesting habitat will be seasonal. Should it be necessary to remove material during the period March to August, then a pre-works check should be undertaken by a suitably qualified ecologist. Planting should contain native species, and mature trees should be retained in accordance with the amended landscaping plans. Lighting needs to be kept to a minimum.

ADC DRAINAGE:

No objection raised to the application for reserved matters. It is advised that drainage be agreed with the Highway Authority (WSCC). Any crossings of ditches or watercourses will require land drainage consent from the land drainage authority.

WSCC DRAINAGE - (Surface Water Drainage and Flood Risk):

No objection raised to the application, in line with the Environment Agency comments on the outline application, in relation to flood risk and surface water drainage. The majority of the site is at low risk from flooding, and there is no history of surface water flooding on this site (this may be due to lack of reporting to the authorities). The proposed drainage strategy meets the requirements of the NPPF, Planning Practice Guidance and associated documents in principle. Full approval of the drainage design will be carried out by WSCC Highways through the Section 38 process.

WSCC HIGHWAYS:

First response (21 September 2016)

The applicant needs to:

1. account for how the design compares with the outline
2. account for how agreed design principles have been applied
3. confirm the design standards used
4. submit copies of the Stage 1 Road Safety Audit and Designers Response from outline stage
5. submit copies of any Departure from Standards (DfS) and conclusions reached at outline stage
6. confirmation that all PRow have been considered in line with County advice
7. submit landscaping plans and planting types adjacent to crossing

Second response (21 October 2016)

1. design comparison provided. Document shows some changes have been made from outline, including close to Academy roundabout. Bus stop provision adjacent to northern carriageway should be considered.
2. see 1 above.
3. now provided in the latest technical report.
4. information provided. Evidence required as to whether the recommendations made for the Fitzalan Link have been accepted and agreed by the Highway Authority.
5. information provided. Further confirmation required on latest drawings for review and latest position with regard to DfS.
6. information provided showing that PRow have been considered. Advice provided on procedure for diversion of the PRow and need to ensure that routes are reviewed again

following any changes to the Safety Audit.

7. landscaping information submitted and being checked separately. Comments as follows:

- ~ a shared footway/cycleway is required on the SE side of the academy roundabout to provide continuity with the existing infrastructure running along both sides of the already constructed Fitzalan Road.
- ~ Tactile paving also needs to be shown at all relevant crossing points.
- ~ The extent of what is to be adopted needs to be made clear.
- ~ A bus stop and layby needs to be provided northbound, and this will need to be approved by the Road safety audit team
- ~ The applicant is to explain how the design interacts with the proposed residential development, and how the PROW crossing relates to the new shared footway /cycleway.
- ~ The application also needs to show how future serving and maintenance arrangements (parking and working areas clear of the highway) for this section of the Fitzalan Link Road.

Third response (21 November 2016)

1. further details relating to speed limit criteria and the highway design - design not suitable for 30mph.
2. confirmation of design standards used. Crossing should be changed to a Toucan crossing for safety reasons. Needs a safety audit.
3. one of the crossing points to be removed, amendments required.
4. confirmation of legal requirements in relation to PROW and agreement to physical changes to physical changes to paths and crossings.

Other matters include requirement for further information in relation to the PROW and red line boundary, the bus layby south of the Academy, a road safety audit for the shared footway and cycleways, further information in relation to the refuge at Highdown Drive, the shared footway on the south east side of the Academy, surface water drainage, the adoption limit, street lighting considerations, and maintenance of access routes.

Fourth response (9 December 2016)

1. Detailed design still does not meet criteria for 30mph speed limit to be applied to the northern section.
2. Request for controlled crossing was rejected therefore WSCC continued to request that one is provided.
3. Scheme amended to remove the uncontrolled crossing point - WSCC noted.
4. confirmation of legal requirements in relation to PROW and agreement to physical changes to physical changes to paths and crossings - addressed by applicant in their response to WSCC. WSCC noted.
5. Clarification provided on trees and landscaping points - WSCC response now satisfactory.

Fifth response (7th September 2017)

The text below should also be read alongside the WSCC highways responses above dated 21st September 2016, 21st October 2016, 21st November 2016 and 9th December 2016. The following comments are made following the submission of additional information by the applicant on 9th August 2017. WSCC had requested and has received plans of the PROW link / cycleway connection on Highdown Drive showing the applicant's connection to the point shown on their boundary to ensure appropriate connection to Highdown Drive is achieved with the correct alignment. The applicant has also provided details of appropriate signage, lining, and tactile surfaces. The applicant has also undertaken a Stage 1 Safety Audit (RSA) that demonstrates consideration of all the changes shown on the drawings, from an independent

road safety point of view. The Stage 1 RSA and the process was concluded and signed-off by WSCC in September 2017. The applicant has also submitted amended landscaping and drainage plans to accompany the Stage 1 RSA, which are acceptable.

Consequently, WSCC HIGHWAYS is raising no objection to the reserved matters application, which now includes the PROW link / cycleway connection on Highdown Drive, subject to the imposition of conditions.

ADC ARBORICULTURAL OFFICER:

Advised that mature trees along the eastern boundary with Littlehampton Academy should be retained and protected. The tree survey and proposed tree protection plans are satisfactory. The protective fencing would require to be specified and be the subject of a condition.

WSCC TREE AND WOODLANDS OFFICER:

No objection raised following the submission of amended landscape and drainage plans. Trees to be felled are now reflected on the amended landscape drawings. Cable ducting for lighting needs to avoid new tree positions to avoid future damage. Details of the acoustic barrier and access for maintenance purposes need to be covered by condition.

Comments on Consultation responses:

Comments noted and addressed in the 'Conclusions' section of this report.

POLICY CONTEXT

Within Built-Up Area Boundary (BUAB)

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	<u>GEN32</u>	Noise Pollution
	<u>GEN33</u>	Light Pollution
	<u>GEN34</u>	Air Pollution
	<u>GEN7</u>	The Form of New Development
	<u>GEN8</u>	Development and the Provision of Infrastructure
	<u>SITE7</u>	Land at Toddington, Littlehampton
Publication Version of the Local Plan (October 2014):		D DM1 Aspects of Form and Design Quality
		D SP1 Design
		ENV DM4 Protection of Trees
		QE DM1 Noise Pollution
		QE DM2 Light Pollution
		QE DM3 Air Pollution
		QE SP1 Quality of the Environment
		T DM1 Sustainable Travel and Public Rights of Way
		T SP1 Transport and Development
		T SP2 Safeguarding the Main Road Network
		Fitzalan Link Road
Littlehampton Neighbourhood Plan 2014 Policy 18		
Littlehampton Neighbourhood Plan 2014 Policy 2		A Spatial Plan for the Town

PLANNING POLICY GUIDANCE

NPPF
NPPG

National Planning Policy Framework
National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

A new Local Plan is in preparation which is a material consideration when determining planning applications. The Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015. The Examination into the submitted plan was commenced but was suspended whilst Arun District Council addressed matters raised by the Inspector. The Examination in Public resumed in September 2017.

A number of Main Modifications to the Arun District Local Plan 2011 - 2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these took place from 10 April 2017 to Tuesday 30 May 2017. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification may also be a material consideration to take into account.

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, form part of the statutory local development plan for the relevant designated neighbourhood area and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will, however, gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Regulation 14).

Made Plans in Arun District Council's Local Planning Authority are: Aldingbourne; Angmering, Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham, Ferring; Kingston; Littlehampton; Rustington; Walberton; and Yapton. The written Ministerial Statement on 13th December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise:

- The NDP has been part of the development plan for two years or less or the ministerial statement is less than 2 years old.
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites.

Policy 18 from the Littlehampton Neighbourhood Plan (NP) says:

"The Neighbourhood Plan requires the proposed Fitzalan Link Road between East Street and the North Littlehampton development to:

- enable access to the housing allocations at Land South of Littlehampton Academy and at Land North of Littlehampton Academy under Policy 4;
- be of a design that can satisfactorily provide for the development of those sites; and
- be completed prior to the occupation of dwellings on either of those sites unless a Transport Assessment demonstrates that the cumulative residual impacts on the existing Highways Network

are not severe."

Policy 19 of the NP says:

"The neighbourhood plan requires the completion of the A284 Lyminster Bypass scheme (northern and southern sections) before the implementation of:

- any of the housing allocations made in Policy 4 that are phased for the period 2020-2029 and:
- the housing and commercial developments of West Bank, in the event of a strategic housing allocation by the Arun Local Plan."

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding 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

THE PRINCIPLE OF DEVELOPMENT

The application site forms the southern section of the bypass, and the principle of the development is therefore fully supported. The principle of the development was approved at the outline planning permission stage (LU/63/11) which was granted on 6th June 2012. Appraisal of this application (LU/234/16/RES) therefore relates to the detailed proposals for reserved matters of appearance, access, landscaping, layout and scale of the previously approved under LU/63/11/.

Arun District Council and West Sussex County Council have a long term ambition to create a bypass route to Littlehampton from the north in order to remove the congestion caused by the Lyminster level crossing. A corridor of land has been reserved in order to facilitate this route. This is part of the wider protected route under Policy DEV15 (ix) Safeguarding the Main Road Network of the Arun District Local Plan 2003.

ACCESS (INCLUDING DIVERSION OF PROW)

The route of the proposed Link Road was approved in principal at outline planning stage. It connects into a proposed new roundabout on the A259 (Worthing Road) in the north, just to the east of Highdown Road, and follows a route almost due south, connecting to a further roundabout which provides access to the Littlehampton Academy. A southern section of the Link Road has already been built by WSCC between the access to Littlehampton Academy and East Street.

The applicant proposes the diversion of two existing public rights of way (PROWs). The existing route of PROW 3103 has a crossing from Highdown Road to the east side of the application site, then runs approximately along the eastern application site boundary, connecting onto the A259 Worthing Road to the north. The applicant proposes a diversion of the crossing point from Highdown Drive in the south, then the further diversion of the footpath slightly to the west of the existing position.

PROW 3654 is a crossing SE/NW from Highdown Drive connecting to the PROW route 3103. The application proposes a slight amendment to the crossing to enable a safe crossing point of the proposed new Link Road. Three crossing points have been shown on the plans where the footpaths come to the kerbside of the proposed access road in the north to the east of 168 Highdown Drive, enabling the re-routing of PROW 3654, in the central section to the east of 136 Highdown Drive, and to the east of 46 Highdown Road, enabling the re-routing of PROW 3103. The proposed diversions have been agreed with the WSCC PROW officer.

APPEARANCE

The application proposal is for a single lane carriageway on each side of the road, running for a length of 800 metres. A footpath / cycleway is also shown on the east and west sides of the proposed route.

LANDSCAPING (and location thereof in-relation to highway infrastructure)

An arboricultural report was submitted, dated August 2016, together with a tree constraints plan and a tree protection plan; all of which are considered acceptable. Following the review and sign-off of the road safety audit (the RSA), the applicant submitted amended landscape drawings in mid August 2017. The amended landscape scheme includes the planting of landscaping belts, comprising native tree and shrub planting, the planting of trees along both sides of the carriageway, wherever possible, together with the retention of existing vegetation and the laying of amenity grassland and species rich grassland on the verges. The landscape element to the proposals are considered to be acceptable by ADC Greenspace. The Landscaping plans will be checked again by WSCC at the detailed highway design stage: Section 38 / Section 278. A condition is required to be imposed to ensure that tree protection fencing to BS 5837: 2012 is erected and retained during the construction of the Link Road.

LAYOUT

The detailed road layout submitted by the applicant has been amended and it has been agreed with WSCC Highways, which includes the position of bus stops on both sides of the carriageway, as required at the outline planning stage (LU/63/11).

Following discussions between WSCC and the applicant, the scheme includes a pervious road surface be laid with a reduced carriageway width from 7.3m to 6.75 metres so as to facilitate to 40 mph, over the northern section of the Link Road between the northern limit of the scheme and a point 120 metres north of the new signalised Toucan Crossing, as requested by the County Council. The applicant's noise consultants have confirmed that a 3.5 metre noise barrier, imposed by means of a condition, would provide sufficient noise mitigation relating to a speed limit of 40 mph.

The scheme includes a new PROW which will link in with the existing PROW in the south western corner of the site. The scheme includes aligning the existing path in the vicinity of the toucan crossing and balancing pond and connecting this path with the path leading to Highdown Drive.

The scheme includes an upgrade to the path leading to Highdown Drive into a shared footpath / cycleway. The scheme includes the provision of a toucan crossing.

The scheme includes the provision of a re-aligned shared footpath / cycleway alongside both sides of the access road. The scheme includes the provision of a pedestrian refuge island adjacent to Highdown Drive, with a minimum kerb to kerb width of 3.5 metres each side of the refuge, or similar kerbed up-stand or feature. There is a short section of grasscrete at a suitable location for maintenance vehicle purposes, which is shown on amended plans. WSCC, as the landowner, will maintain the site and areas of land that fall outside adoption limits will remain with the landowner (e.g. WSCC).

TRANSPORT

The proposed Toucan Crossing, added north of Academy Roundabout, is acceptable to WSCC with minor amendments required at the detailed design stage (S38/S278 stage).

The provision of the additional bus lay-by is included, and both northbound and southbound bus stops and laybys are shown on the amended plans. Wherever possible, at the detailed design stage, additional path width should be provided at both bus stops to allow passengers to wait clear of the cycle path. The detailed design stage (S38/S278 stage) will include the positioning of bus shelters and what form these would take given the space available.

WSCC Highways recommended that the applicant needed to show the Highdown Drive PROW connection correctly; and provide a satisfactory Road Safety Audit. A Road Safety Audit (RSA) has been submitted by the developer and has been signed-off by WSCC (Highways) prior to the determination of this reserved matters application. Following the sign-off of the Safety Audit by WSCC, a package of amended drawings showing the correct line of the PROW, together with landscaping details have been submitted.

WSCC Highways have requested conditions be imposed on the approval of reserved matters regarding pedestrian and cycle access to the development; the re-instatement of disused crossovers and / or accesses; a road signing strategy; the timing of opening of the Link Road; the prevention of surface water draining onto the public highway; the provision and implementation of a street lighting scheme; the submission and implementation of a landscaping scheme; and the provision of a construction management plan. Many of these are attached to the outline planning permission (LU/63/11) and are therefore required to be discharged through that permission.

NOISE

A noise assessment report was submitted by the applicant, which concludes that the beneficial effects of erecting 3.5 metre high acoustic barriers along the west of Fitzalan Link Road, would reduce traffic noise levels by up to 7.3dB. The report has been agreed with the Environmental Health Officer. It is considered necessary to impose a condition regarding the size, location and appearance of the acoustic fencing. Revised noise modelling has been carried out for the whole length of the Link Road including properties TR39-TR42. to reflect the change from 30 mph to 40 mph; everything south of the signal crossing and roundabout is proposed to be 30mph. These receptors (TR39-TR42) are outside the redline boundary of the planning application, therefore without the protection of the barrier the noise levels at these properties are higher than the ones opposite the Link Road, with the barrier in place. However they are below the 68dB guidance for the requirement for provision of noise insulation.

The EHO is satisfied with the results of the noise modelling. The proposed development complies

with Policy QE DM1 of the eALP.

AIR QUALITY

It is noted that air quality was reviewed at the outline planning application stage.

VISUAL IMPACT OF ACOUSTIC BARRIER

The erection and retention of a 3.5 metre high acoustic barrier alongside the Link Road, backing onto the rear gardens of residential properties will have a visual impact upon the amenity of local residents, but this needs to be measured against the noise emissions from the vehicles travelling along the Link Road. It is considered that the higher the acoustic barrier is, the lower the noise emissions and the lower the acoustic barrier is, the higher the noise emissions will be. On balance, it is considered that the visual impact of a 3.5 metre high acoustic barrier is acceptable when measured against the noise levels emitted by vehicles on the Link Road.

ECOLOGY

An updated ecological survey has been submitted. The report concludes that the proposed development is unlikely to impact on reptiles; native species to be used in on-site planting to enhance habitat; a mowing regime should be implemented once a year in October to provide suitable habitat for reptiles; there was no evidence of roosting bats on site; tall mature tree stands should be maintained to create a vegetated hop-over and maintain connectivity; bat friendly species to be used in landscaping; and consideration should be given to the position of lights to minimise impact on bats. A badger survey was undertaken in June 2016 which concluded that the species is unlikely to be resident within the development zone. The Ecologist has requested a pre-works check must be undertaken by a CIEEM ecologist within 24 hours of the works. If any active nests are found, then an appropriate buffer zone is to be established and left intact until the nest is no longer in use. In addition if animal burrows are identified during site clearance, then these should be inspected by an ecologist prior to removal. These comments and requirements have been incorporated into the amended landscape plans for the site, which were submitted in August 2017.

CONCLUSION

It is considered that the application for reserved matters (relating to access, appearance, landscaping, layout and scale) addresses all of the conditions imposed on the outline planning permission (LU/63/11) for the construction of the Fitzalan Link Road. Furthermore, the detailed highway scheme is acceptable and it complies with the policies in the Development Plan and accords with the National Planning Policy Framework (the NPPF).

HUMAN RIGHTS ACT

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

Consideration has been specifically given to Article 8 (right to respect private and family life) 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.

SECTION 106 DETAILS

The Section 106 agreement attached to the outline planning permission LU/47/11 is the legal agreement that relates to the whole development of land north of Toddington Lane, Littlehampton, dated 23rd January 2013, which all reserved matters need to adhere to.

The Section 106 Agreement requires certain highway works including: "the construction of the Fitzalan Link Road works stage 2 from the A259 to the Academy and the re-alignment of Highdown Drive".

The owners covenant with Arun District Council and West Sussex County Council to complete the Fitzalan Link Road stage 2 works in accordance with details approved as part of reserved matters approval pursuant to the planning permission immediately following the opening of the Southern bypass and bridgeworks, and in any event before the first occupation of more than 400 dwellings.

RECOMMENDATION

APPROVE CONDITIONALLY

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

PHF-MB-S278-GF-DR-D-208-02 Rev P2 Topographical Survey Drawing (1 of 2)
PHF-MB-S278-GF-DR-D-208-02 Rev P2 Topographical Survey Drawing (2 of 2)
PHF-MB-S278-GF-DR-D-209-01 Rev P3 Site Clearance Drawing (1 of 2)
PHF-MB-S278-GF-DR-D-209-02 Rev P3 Site Clearance Drawing (2 of 2)
PHF-MB-S278-GF-DR-D-210-01 Rev P8 General Arrangement Drawing (1 of 2)
PHF-MB-S278-GF-DR-D-210-02 Rev P9 General Arrangement Drawing (2 of 2)
PHF-MB-S278-GF-DR-D-211-01 Rev P4 Construction Treatments Drawing (1 of 2)
PHF-MB-S278-GF-DR-D-211-02 Rev P4 Construction Treatments Drawing (2 of 2)
PHF-MB-S278-GF-DR-D-212-01 Rev P4 Drainage Drawing (1 of 2)
PHF-MB-S278-GF-DR-D-212-02 Rev P4 Drainage Drawing (2 of 2)
A088461 FL1 (rev H) Landscape Drawing
A088461 FL2 (rev H) Landscape Drawing

including recommendations of any Safety Audits, Design Checks, and any Traffic Regulation Order requirements (and any other alterations as may be reasonably required by the Highway Authority) to be provided to and agreed with the Local Planning Authority after consultation with the Highway Authority.

Reason: For the avoidance of doubt and in the interests of amenity and the environment and to ensure fit-for-purpose road constructed to appropriate design and safety standards in accordance with Policy GEN7 of the Arun District Local Plan.

- 2 The development, hereby permitted, shall not be constructed until the pedestrian and cycle accesses to the site have been constructed substantively in accordance with the approved plans, Design Checks, formal Public Rights of Way (PRoW) requirements and any Road Safety Audit recommendations.

Reason: To ensure fit-for-purpose access on foot and by cycle roads constructed to appropriate design and safety standards and to encourage access by non-car modes, in accordance with Policy GEN7 of the Arun District Local Plan.

- 3 The Link Road shall not be brought into use until any disused crossovers and/or accesses no longer required as part of the development, have been permanently removed and reinstated in accordance with Highway Authority specifications to be submitted to and approved by the Local Planning Authority after consultation with the Highway Authority.

Reason: To ensure that any access points not required to serve the development are permanently removed to avoid risk of inappropriate re-opening in the future and also in the interests of road safety, in accordance with Policy GEN7 of the Arun District Local Plan.

- 4 The development, hereby approved, shall only be brought into use once a suitable signing strategy has been provided to and agreed by the LPA after consultation with the Local Highway Authority to provide adequate information to road users (e.g. directional signage, warning signage etc.).

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

- 5 The Link Road shall only be brought into use as per the terms of any S38/278 Agreement, the S106 Agreement and when appropriate connections have been made with the A259 Littlehampton Road works, also proposed by the applicant (referred to as 'Southern By-Pass' works in the S106 Agreement) and with the southern section of Fitzalan Road, already constructed.

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

- 6 Protective fencing shall be retained intact - for the protection of the retained trees - until completion of the Link Road hereby approved and shall not be removed or re-positioned without the prior written approval of the Local Planning Authority.

Reason: In the interests of the environment of the development, in accordance with Arun

District Local Plan policy GEN7.

- 7 Prior to the commencement of development, details of the 3.5 metre high acoustic barrier shall be submitted and be approved by the Local Planning Authority. The Link Road shall not be brought into use until such acoustic barriers have been completed.

Reason: In the interests of the environment of the development, in accordance with Arun District Local Plan policies GEN7 and GEN32.

- 8 INFORMATIVE: Applications for S38 and/or S278 Agreements should be made to WSCC as Highway Authority. Full details are available on the WSCC website.
- 9 INFORMATIVE: To enter into a Section 59 Agreement under the 1980 Highways Act to cover an increase in extraordinary traffic that might result from construction vehicles and to enable the recovery of costs of any potential damage that may result to the public highway as a direct consequence of the construction traffic, the Applicant should contact the Highway Officer (01243 642105) in order to commence this process.
- 10 INFORMATIVE: Public Rights of Way (PRoW) requirements must be obtained from WSCC PRoW Team via WSCC website. No alterations should be made to any PRoW unless and until all necessary permissions have been granted by the PRoW Team and/or Legal Department. This planning permission is subject to the approval of the diversion of the two PROW affected by the proposed development. The diversion application is subject to public consultation which must be completed before commencement on-site.
- 11 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 12 INFORMATIVE: Any crossings of ditches or watercourses will require land drainage consent from the land drainage authority.
- 13 INFORMATIVE: It is essential that the contractor contact Southern Water before they commence development on site as the site is located over a critical distribution water main.
- 14 INFORMATIVE: The Ecologist has requested a pre-works check must be undertaken by a CIEEM ecologist within 24 hours of the works. If any active nests are found, then an appropriate buffer zone is to be established and left intact until the nest is no longer in use. In addition if animal burrows are identified during site clearance, then these should be inspected by an ecologist prior to removal.