

REPORT UPDATE

Application No: LU/94/17/OUT

Reason for the Update / Changes

Reason for Update/Changes:

The Landscape Officer has advised that the open space contributions would be allocated to Worthing Road Recreation Ground to be used on play improvements.

Environment Agency consultation response has been received which states:

We consider that planning permission should only be granted to the proposed development as submitted if the following planning condition is imposed as set out below. 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.

Condition

The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul drainage has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reasons

In accordance with paragraph 109 and 120 of the National Planning Policy Framework and paragraph 020 of the Planning Practice Guidance the first presumption for any development is that they should provide a system of foul drainage discharging into a public sewer to be treated at a public sewage treatment works. Only where having taken into account the cost and/or practicability it can be shown to the satisfaction of the local planning authority that connection to a public sewer is not feasible, should non-mains foul sewage disposal solutions be considered.

We note that this development proposes to dispose of foul drainage through an on-site package treatment plant. Considering the current location of the mains sewer network and the size of this development this approach may be appropriate, however, we are aware that the larger development at Toddington Nurseries is currently being built out in close proximity to this site. When occupied the development will provide a public mains sewer network nearer to this site which would make a connection here more appropriate.

We consider that through the reserved matters application further consideration should be given to the proposed method of foul drainage and where possible seek to connect to the public foul sewer.

Information for applicant / LPA

Please note that the discharge of treated sewage effluent requires a Permit from the Environment Agency under the Environment Permitting Regulations, 2010. A detailed assessment of information provided of treatment for foul drainage will be undertaken as part of the permitting process. This will include a thorough assessment of the justification for non mains drainage. The environmental acceptability of the discharge on the receiving waters will also be fully determined as part of the permitting process. An application for an Environmental Permit will be determined in accordance with Defra guidance and there are therefore no guarantees a Permit will be granted. A Permit will be refused if the environmental impacts are unacceptable or where we consider a connection to the mains sewer network is appropriate.

The requested condition and informatives have been added to the recommendation

The change to the conditions are attached on the amended replacement recommendation sheet.

Notes: Changes to recommendations, conditions and / or reasons for refusal will

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always be reflected in the recommendation section of the attached Officer's Report/Recommendation.

LU/94/17/OUT

Recommendation Report for Outline Consent

REF NO: LU/94/17/OUT

LOCATION: Westholme Nursery
Toddington Lane
Littlehampton

PROPOSAL: Outline application with all matters reserved for residential re-development comprising of 10 No. dwellings & associated works (resubmission following LU/327/16/OUT).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

As above. The application is supported by a Conceptual Site Layout Plan, a Conceptual Street View Elevation and a Stage 1 Road Safety Audit. The conceptual plans indicate 4 detached dwellings and 6 semi detached 2 storey dwellings, comprising 2 no 2 bedroom units, 4 number 3 bedroom units and 4 no 4 bed dwellings arranged in a cul-de-sac layout.

SITE AREA

0.49 hectares

RESIDENTIAL DEVELOPMENT DENSITY

20 dwellings per hectare

TOPOGRAPHY

Predominantly flat.

TREES

None of any significance affected by the proposed development. There are no trees within the site they are located along site boundaries.

BOUNDARY TREATMENT

Fencing and hedges on site boundaries to between 2 and 4m height

SITE CHARACTERISTICS

The site has an existing vehicular/pedestrian access onto Toddington Lane at the south west corner of the site; between the boundaries of Knightscroft and Dutch Cottages. This provides lorry, car and pedestrian access for the nursery and

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Anggerik. The site comprises an open field area used in part for storage of materials which formerly comprised glasshouses and out buildings which have now been demolished.

Knightscroft comprises a bungalow with garage and single storey extension adjacent to the access into site.

CHARACTER OF LOCALITY

The area surrounding the site is a mixture of residential and commercial properties in what was a rural area. Existing residential properties are located to the south of the northern boundary. The remaining northern boundary (formerly glasshouses) is part of a large residential development site, currently under construction. This residential site construction also wraps around the northern boundary of the application site.

Existing low density residential properties lie to the south of the site. A commercial estate lies to the east of Westholme.

RELEVANT SITE HISTORY

LU/268/92	Retention of mobile home permitted by planning permission LU/49/91 for a temporary period.	ApproveConditionally 08-12-1992
LU/6/93	1 No. Horticultural dwelling (bungalow)	ApproveConditionally 07-04-1993
LU/357/08/EIS	Request for scoping Opinion North Littlehampton Urban Extension.	Scoping Issued 29-01-2009
LU/327/16/OUT	Outline application for residential re-development comprising of 10No. dwellings & associated works. This application is a Departure from the Development Plan	Withdrawn 22-12-2016

REPRESENTATIONS

Representations received:

Littlehampton Town Council

Objection - The access to this site is a narrow strip of road between two existing dwellings from a Lane with no pavement or street lighting. It is considered that once the North Littlehampton development has been built out significantly, there will be an opportunity to deal with highway and pedestrian access, together with foul water connections in a more

sustainable way. It is therefore considered that the application is premature and should only proceed once the issues raised above have been addressed through the build out of highways and foul water provision as part of the North Littlehampton development

Comments on Representations received:

The Local Planning Authority cannot pre determine when applications will come forward and this application has been submitted for consideration on its own merits at this time and should be considered against relevant development plan policies. County highways have no objection to the proposal on highway safety grounds and drainage engineers have no objection in principle in terms of drainage. The location of the site as it neighbours a significant and developing housing area is considered to be sustainable.

CONSULTATIONS

Archaeology Advisor
WSCC Strategic Planning
Economic Regeneration
Engineering Services Manager
Engineers (Drainage)
Parks and Landscapes
Sussex Police-Community Safety
Surface Water Drainage Team
Environment Agency

Consultations responses received:

West Sussex County Council Highways

No Objection. The scheme proposes access from an existing vehicular crossover onto Toddington Lane. Whilst it is stated there will not be any changes to the access, it does appear at present to require some upgrading in the form of surface improvements for the proposed usage. These works would be undertaken with a licence agreement with the WSCC Implementation Team under a Section 278 Agreement. The access appears have the provision visibility splays of 2.4 by 43 metres indicated. The splays provided are considered acceptable for the 30 mph speed limit.

Based on the information within the supporting statement it would appear the site will be serviced by a refuse vehicle.

The Road Safety Audit (RSA) has been undertaken and no problems with the access arrangement have been recorded within the RSA, we are therefore satisfied with this aspect of the application.

Swept path diagrams were requested demonstrating how larger vehicles can safely enter the site. This has still not been provided, having measured the submitted plan there does appear to be sufficient space for larger vehicles to turn within the turning head to the east of the site, however this could require some modification and enlargement of the design. We are satisfied that this can provided via a condition to any planning consent, ensuring the design of the access road takes into account refuse collection vehicles.

The application form does not indicate if the internal road will be offered for adoption. In principle, the layout would be acceptable subject to detailed design and the demonstration of adequate turning facilities. The access road would be acceptable to work as a 'Shared Surface' environment, this would be sufficient for the low speeds anticipated. Parking provision meets the requirements of the WSCC Parking Demand Calculator, we are satisfied with the provisions provided.

The proposal will see a likely increase in traffic movements to and from the site and more notable a change to the peak traffic times on the network. However it is considered the

intensification would not warrant an objection on capacity aspects and the proposals would not be contrary to Paragraph 32 of the National Planning Policy Framework (NPPF).

It is concluded that the proposal would not have a 'severe' impact on the operation of the highway network and therefore it is not contrary to the National Planning Policy Framework (para 32), and there are no transport grounds to resist the proposal. Any approval of planning consent should be subject to conditions relating to car parking, visibility and an informative relating to the Section 278 Agreement.

West Sussex County Council Strategic Planning

The likely requirements for contributions towards the provision of additional County Council service infrastructure, other than highways and public transport that would arise in relation to the proposed development based on the adopted Supplementary Planning Guidance document "The Provision of Service Infrastructure Related to New Development in West Sussex - Part 1 are contributions relating to primary, secondary and sixth form education.

West Sussex County Council Engineers

The proposed site is at 'low' risk from surface water flooding. Therefore, a wholesale site level rise via the spreading of excavated material should be avoided. Any existing surface water flow paths across the site must be maintained or appropriate mitigation strategies proposed.

The majority of the proposed development is shown to be at 'moderate-high risk' from ground water flooding based on the current mapping.

Ground water contamination and Source Protection Zones.

The potential for ground water contamination within a source protection zone has not been considered by the LLFA. The LPA should consult with the EA if this is considered as risk. The Drainage Layout for this application proposes that sustainable drainage techniques (permeable paving and infiltration) would be used to control the surface water from this development. This method would, in principle, meet the requirements of the NPPF, PPG and associated guidance documents.

Development should not commence until finalised detailed surface water drainage designs and calculations for the site, based on sustainable drainage principles, for the development have been submitted to and approved in writing by the Local Planning Authority. The drainage designs should demonstrate that the surface water runoff generated up to and including the 100 year, plus climate change, critical storm will not exceed the run-off from the current site following the corresponding rainfall event.

Development shall not commence until full details of the maintenance and management of the SUDs system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved designs.

Please note that Schedule 3 of the Flood and Water Management Act 2010 has not yet been implemented and WSCC does not currently expect to act as the SuDS Approval Body (SAB) in this matter

Parks and Landscape

Developments of 10-200 dwellings or more are expected to provide open space on site. The Council's SPG guidelines which apply to developments of houses and are based broadly upon the National Playing Fields Association's (NPFA) "Six Acre Standard". Under superseded Fields in Trust guidelines (FIT) this requires that 3.2 hectares of open space are provided for every 1,000 people ie 32 square metres of open space per person. We would require confirmation of the areas of public open space being proposed with this development.

Due to the number of houses exceeding 7, this would trigger the requirement for public open space on site, but not on-site play provision. The requirements for this would equate to 768m² of open space on this development, which is not being catered for within the plans submitted. In this instance we would therefore request a commuted sum to mitigate against this. This we would request at £1000 per dwelling therefore £10,000 for this development.

Landscape/Tree protection

We would require on this application that a full landscape scheme should be submitted for approval, detailing species choice, position, densities and size at time of planting. This should be plotted in plan and list form and in relation to any trees and vegetation to be retained so that a clear picture of the proposals can be seen. These details are required to assure that any adjacent properties privacy is maintained and the setting is uncompromised. Any considered tree works if required for the development must be in agreement with Arun District Councils Tree Officer.

Drainage Engineers

No Objection. Standard conditions suggested. Foul Drainage will require a permit from the Environment Agency.

Sussex Police

No immediate concerns over the design and layout of the development. Lighting will be a big consideration for the development around the parking and communal areas should conform to the recommendations within BS 5489:2013.

Archaeology Officer

Recent archaeological investigations of adjacent sites have demonstrated that they contained significant archaeological interest, particularly relating to fairly intense occupation in the late Iron Age and Roman periods. If similar deposits are contained within this site, as seems likely, a similar process of evaluation and further investigation will be necessary in order to ensure proper preservation of their significance. This process should be secured by a version of standard condition ARC1.

Environment Agency

Awaited

Comments on Consultation responses:

Comments noted. Requested conditions have been imposed. Works to trees cannot be controlled these are not subject to protection. The proposed landscaping condition does include tree protection measures.

POLICY CONTEXT

Designation applicable to site:
 Outside Built Up area Boundary
 Arundel and Littlehampton Strategic Gap
 North of Littlehampton Strategic Housing Allocation

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	<u>GEN2</u>	Built-up Area Boundary
	<u>GEN3</u>	Protection of the Countryside
	<u>GEN7</u>	The Form of New Development
	<u>GEN9</u>	Foul and Surface Water Drainage
	<u>GEN12</u>	Parking in New Development
	<u>GEN20</u>	Provision of Public Open Space within New Development
	<u>AREA10</u>	Strategic Gaps
	<u>AREA17</u>	Sites of Archaeological Interest
	<u>DEV17</u>	Affordable Housing
		H SP2 Affordable Housing
Publication Version of the Local Plan (October 2014):		D SP1 Design
		SD SP1 Sustainable Development
		HER DM6 Sites of Archaeological Interest
		HOR DM1 Horticulture
		SD SP2 Built-Up Area Boundary
		C SP1 Countryside
		D DM1 Aspects of Form and Design Quality
		D DM2 Internal Space Standards
		D DM3 External Space Standards
		The Presumption in Favour of Sustainable Development
Littlehampton Neighbourhood Plan 2014 Policy 1		A Spatial Plan for the Town
Littlehampton Neighbourhood Plan 2014 Policy 2		Design of New Development
Littlehampton Neighbourhood Plan 2014 Policy 22		

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

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

A new Local Plan is in preparation is a material consideration when determining Planning Applications. At this stage 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 is currently suspended whilst Arun District Council addresses matters raised by the Inspector.

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 is

taking place 10 April 2017 to 5pm on 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 material consideration to take into account.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area 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 (Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton. The written Ministerial Statement of 13 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 2 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

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 (Reg.14).

The Littlehampton Neighbourhood Plan has been made and policies 1, 2 and 22 are considered relevant to the determination of this application.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to be in accordance with relevant Development Plan policies in that it would be situated within a site identified for housing within the Littlehampton Neighbourhood Plan.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are also other material considerations that weigh in favour of the proposals.

CONCLUSIONS

PRINCIPLE

The site was a former 'cut flower' Nursery which ceased trading approximately 13 years ago when the business became unviable. Unable to expand, it proved too small an operation to compete against larger companies. The buildings have now been demolished and the site is vacant and occupies a countryside location outside the built-up boundary where the principle of development is considered unacceptable. The site has not been allocated for housing in the Arun District Local Plan (2003), but it has been included in the emerging Local Plan (2014) as a Strategic Housing Allocation. It therefore does not accord with adopted local plan policies, but this plan is out of date, but does comply with the emerging local plan.

The made Littlehampton Neighbourhood Plan (2014) is the most up to date plan for development control purposes and contains the following policies relevant to principle considerations:

Policy 1 - The Presumption in Favour of Sustainable Development

Policy 2 - Spatial Plan for the Town

Policy 1 states planning applications which accord with the policies in the Neighbourhood Plan will be approved, unless material considerations indicate otherwise. There are no policies in the Neighbourhood Plan specifically relating to this site other than a reference to the area as a strategic housing site in policy 2. The proposal would therefore accord with this policy.

Policy 2 refers to the site (Toddington North of the Railway Line) which states :

The Neighbourhood Plan concentrates future housing, economic and community-related development within the built up area of Littlehampton and especially the Fitzalan Corridor connecting the strategic housing allocations at North Littlehampton (Toddington- north of the railway) and at Courtwick Park with the Littlehampton Academy, the Town Centre and the Community Hub and the Green. The proposal therefore accords with this policy. As a more recent part of the development plan, the proposals are in accordance with the development plan.

The policies that relate to the supply of housing in the 2003 Local Plan are now only afforded very limited weight as they do not relate to development needs beyond 2011 and the current built-up area boundaries were drawn to accommodate a specific quantum of development in the period 2001 - 2011.

The Council has produced new evidence to support the emerging Local Plan which indicates that the objectively assessed housing need (OAHN) for the District equates to 919 dwellings per annum. The proposed modifications to the Local Plan result in a housing requirement of 20,000 dwellings over the Plan period between 2011 and 2031. The housing supply comprises completions, commitments, Neighbourhood Plan allocations, deliverable HELAA sites (within the Built-Up area boundary), non-strategic sites, windfall sites and strategic site allocations. This site falls within a strategic site allocation within the publication version of the Local Plan.

A Housing Implementation Strategy has been produced (March 2017) to support the modifications to the Local Plan housing policies and this document identifies the current five year housing land supply situation. The current housing land supply (with a 'policy off' position) is 1.92 years. A report to the Local Plan Sub-Committee recommended to Full Council that planning applications should be invited on sites identified as being 'deliverable' by the HELAA where they are considered sustainable and will not prejudice the emerging local plan and/or infrastructure delivery. This was due to the shortfall in housing land supply since the start of the plan period in 2011. The emerging Plan must ensure that an adequate supply of sites to provide for a rolling

five year land supply over the course of the Plan period once the Plan is in place.

Once the Local Plan is adopted and is able to carry significant weight, the policies will seek to exert a strict control over new development in the countryside to protect it for its own sake. Development will only be permitted in exceptional circumstances or where there is a strong justification for a countryside location. The Government's planning advice indicates that planning authorities should continue to ensure that the quality and character of the wider countryside is protected, and where possible enhanced.

However, it is now accepted that because housing policies only related to housing provision up to 2011, the weight afforded to them is significantly reduced. In recent appeal determinations Inspectors have confirmed that the principle of development on land outside the defined built up boundary can be accepted in certain cases. In relation to the sustainability of the location has previously been considered sustainable given the neighbouring residential sites under construction.

CONCLUSION ON PRINCIPLE

Where the development plan is absent, silent or the relevant policies are out of date, paragraph 14 of the NPPF states that the presumption in favour of sustainable development requires the granting of planning permission, 'unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits'. Furthermore, paragraph 49 states that:

"Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites"

Whilst the proposed dwellings would be located outside of the built area boundary as defined by the Arun District Local Plan 2003, the site falls within the built area boundary as defined in the Publication Version of the Emerging Local Plan published in October 2014 and the built up area boundary as defined by Policy 2 of the Littlehampton Neighbourhood Plan which is the most up to date development plan.

It is recognised that there is an allocated housing site to the north and construction has begun on the North Littlehampton development and development to the South of Toddington Lane is under construction. The site would have the appearance of being situated within the urban envelope.

Given compliance with the Littlehampton Town Neighbourhood Plan and the Publication version of the Local Plan and other more limited supporting material considerations it is considered that the proposed development would be acceptable.

CONSIDERATIONS WITH REGARD TO POLICY 22 OF LITTLEHAMPTON NEIGHBOURHOOD PLAN

Policy 22 is entitled 'Design of New Development'. Since the application is in outline form and not a significant application or major development proposal it was not considered at pre application stage by Littlehampton Design Assessment Panel. However the conceptual plans indicate acceptable plot sizes and West Sussex County Council have no objection regarding parking layout and provision and it is therefore considered that the residential design criteria established in the development plan have been met in accordance with the requirements of policy 22.

DESIGN AND VISUAL AMENITY

Planning Policies and Central Government Advice support the efficient and effective use of land. Section 7 of the NPPF states that good design is a key aspect of sustainable development (paragraph 56), and that developments should establish a strong sense of place and be visually attractive as a result of good architecture (paragraph 58). Paragraph 64 confirms that planning permission should be refused for poor design that fails to improve the character or quality of an area.

Policy GEN7(ii) of the Arun District Local Plan requires new development to respond positively to the identified characteristics of the site in order to create developments which respect local characteristics. Central Government Advice further indicates that more intensive development is not always appropriate and that design which is inappropriate in its context should not be accepted.

Policy D SP1 'Design' of the Local Plan Publication Version seeks good quality and demonstration of a high quality of design based on a site analysis and context appraisal; adherence to objectives informing sustainable design; and the influence of these objectives have on the form of the development

The NP also includes Policy 22 which seeks accordance with the design criteria established in the development plan.

The proposed development is in outline form and is supported only by conceptual plans and a Design and Access Statement. The dwellings would be of two storey scale and it is proposed that the external appearance for each individual property will be chosen from a pallet of materials selected to match the local vernacular architecture. Roofs would be constructed from a mixture of plain and interlocking concrete tiles of two colours, with varying ridge and eaves heights incorporating dormers to create variation of the roof line. Main roofs would be of gabled and hip construction and porches will be a mix of lean-to and gable. Wall elevations would be constructed with facing materials selected from a mix of face brickwork, render, vertical tile hanging and flint; incorporating contrasting brick dressings, plinths, string courses and detailing. Final design and layout of the dwellings will be controlled by condition. Soft landscaping shall be incorporated to soften the appearance of hard landscaped areas and buildings and will be subject to a reserved matters application.

The numbers proposed would result in a density of 20 dwelling per hectare (dph) which is not out of character with the locality given that approval LU/116/13/ to the south-west of the application site for 63 dwellings has a density of 37dph and the development of 3 properties at Knightscroft (LU/131/16/PL) had a density of 30 dwellings per hectare. The other existing properties to the south have a lower density. It is considered the proposed development does not constitute overdevelopment of the site and is in keeping with the established character and appearance of the locality. the site will be surrounded by a high density residential development to the west and north and a commercial development to the east. The layout of the houses has therefore been arranged as 'inward looking', arranged either side of the access road. This will facilitate a community feel to the small development with correct overlooking providing a secure environment for the residents and their property.

ACCESS AND PARKING

The proposal is to utilise the existing vehicular and pedestrian access onto the site between the

boundaries of Knightscroft and Dutch Cottages. The access is restricted as indicated on the drawings and would receive traffic calming measures to slow cars within this area. It is proposed that once beyond the restrictions of adjacent properties the road would widen to 5.5m with a footpath to one side.

The County Highways officer has no objection to the proposal in terms of highway safety.

RESIDENTIAL AMENITY

The dwellings in the conceptual layout indicated will be situated 1m from the adjacent access road to the West and 1.5m from the western boundary with the commercial units at Five Stones Nursery. The nearest residential property being Anggerik to the south of the application site. Anggerik at its closest point is situated 10m from the shared boundary with the site. Given the distance by which the proposed dwellings are set back, at their closest point they will be approximately 20m from Anggerik which would be acceptable. However the layout does not form part of the proposal and would be considered at reserved matters stage.

Any side facing windows proposed at first floor level on the side elevations of the dwellings on the site perimeter could be controlled by condition at the reserved matters stage if deemed necessary.

Given the above it is considered that the 10 dwellings could be accommodated on the site which would not result in unacceptably adverse overlooking, overshadowing or overbearing impacts on neighbours and therefore are deemed to accord with policy GEN7(iv) of the Arun District Local Plan.

The layout includes dwellings with rear gardens which measure at least 10m deep and generally achieve rear garden areas which exceed those identified within policy D DM3 of the Emerging Local Plan. The conceptual layout also provides dwellings which have an internal floor area of approximately which exceeds those specified within the Nationally Described Space Standards. The dwellings are considered to result in a good standard of amenity for future occupiers in accordance with Paragraph 17 of the NPPF.

Outline consent for low density residential use would present an opportunity to provide much needed housing for the area and an appropriate use for a site which is inviable in its current form. The site is located in the centre of an area undergoing comprehensive re-development and will be able to utilise the new transport links and amenities being provided.

The proposals provide a correct density for the location and access onto Toddington Lane and the site proximity to existing adjacent lower density residential development.

SUMMARY

The proposed development is considered to accord with relevant development plan policy and as such is recommended for approval subject to the below conditions.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

SECTION 106 DETAILS

The application is subject to a signed section 106 Agreement in respect of open space and education. The education contributions are as follows: Primary £15,558, Secondary £23,442, Further Secondary £25,424). The contributions generated by this proposal shall be spent on additional facilities at

Lyminster Primary school, additional equipment at The Littlehampton Academy and additional equipment at The Littlehampton Academy Sixth Form.

RECOMMENDATION

APPROVED CONDITIONALLY WITH A SIGNED SECTION 106 AGREEMENT

- 1 The permission hereby granted is an outline permission under s92 of the Town and Country Planning Act 1990 (as amended) and an application for the approval of the Local Planning Authority to the following matters must be made not later than the expiration of 3 years beginning with the date of this permission:-

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

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 The development hereby approved shall be carried out in accordance with the following approved plans:
Location Plan and Site Plan as existing.

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

- 4 The reserved matters application shall comprise dwellings not exceeding 2 storeys in height.

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

- 5 No development above damp proof course (DPC) level shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme including details of hard and soft landscaping and details of existing trees and hedgerows to be retained, together with measures for their protection during the course of the development. 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.

- 6 Development shall not commence until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority.

The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, the recommendations of the SuDS Manual produced by CIRIA.

Winter groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

- 7 Immediately following implementation of the approved SuDS scheme and prior to occupation of any part of the development, the developer/applicant shall provide the local planning authority with as-built drawings of the implemented scheme together with a completion report prepared by an independent engineer that confirms that the scheme

was built in accordance with the approved drawing/s and is fit for purpose. There shall be no deviation to the approved scheme other than with the written consent of the Local Planning Authority. The scheme shall thereafter be maintained in perpetuity.

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

- 8 Development shall not commence until full details of the maintenance and management of the SuDS system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include (a) details of financial management of the site including arrangements made in the event that the management company (or any subsequent management company) is no longer able to fulfil its duties; and (b) arrangements for the replacement of major components at the end of the manufacturers recommended design life.

Reason: To ensure the efficient maintenance and on-going operation of the SuDS system and to ensure the best practice in line with guidance set out in 'The SuDS Manual' CIRIA publication ref: C753 Chapter 32. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

- 9 Upon completed construction of the SuDS System but prior to occupation of any part of the scheme, the owner or management company shall either provide the local planning authority with an updated copy of the management manual incorporating any changes as a result of construction/implementation or confirm in writing that no changes are required to the manual.

No further changes shall be made to the approved SuDS Maintenance & Management Plan/Regime including the management company responsible or the financial arrangements between the owners of the dwellings & the management company other than with the written consent of the Local Planning Authority.

The owner or management company shall thereafter strictly adhere to and implement the recommendations contained within the manual to ensure that the system is maintained in perpetuity.

Reason: To ensure the efficient maintenance and on-going operation of the SuDS system and to ensure the best practice in line with guidance set out in 'The SuDS Manual' CIRIA publication ref: C753 Chapter 32.

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

Reason: To provide car-parking space for the use in accordance with policy GEN7 of Arun District Local Plan

- 11 No part of the development shall be first occupied until visibility splays of 2.4 metres by 43 metres have been provided at the proposed site vehicular access onto Toddington Lane in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

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

- 12 The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul drainage has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reason: In accordance with paragraph 109 and 120 of the National Planning Policy Framework and paragraph 020 of the Planning Practice Guidance the first presumption for any development is that they should provide a system of foul drainage discharging into a public sewer to be treated at a public sewage treatment works. Only where having taken into account the cost and/or practicability it can be shown to the satisfaction of the local planning authority that connection to a public sewer is not feasible, should non-mains foul sewage disposal solutions be considered.

- 13 Any existing surface water flow paths across the site must be maintained or appropriate mitigation strategies proposed.

Reason: To ensure flood risk is not increased elsewhere in accordance with NPPF paragraph 103 .

- 14 No operational or construction vehicles shall be operated on the site except between the hours of:

7.00 and 19.00 on Mondays to Fridays inclusive

7.00 and 13.00 on Saturday

Not at any time on Sundays or Public Holidays

Reason: In the interests of amenity in accordance with Arun District Local Plan policies GEN7 and GEN32

- 15 No development above damp proof course (DPC) level shall take place until a detailed ecological enhancement scheme (which shall include the installation of bat boxes and bird boxes throughout the site) has been submitted to the LPA for approval. All approved details shall then be implemented in full and in accordance with the agreed timings and details.

Reason: This condition is necessary to ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in line with national guidance and Policy GEN23 and GEN29 of the Arun District Local Plan (2003).

- 16 No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,
- the anticipated number, frequency and types of vehicles used during construction,
 - the method of access and routing of vehicles during construction,
 - the parking of vehicles by site operatives and visitors,
 - the loading and unloading of plant, materials and waste,
 - the storage of plant and materials used in construction of the development,

- the erection and maintenance of security hoarding,
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area. It is considered necessary for this to be a pre-commencement condition because any works on the site could result in congestion or impede access onto a classified road which could compromise highway safety.

- 17 No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority

Reason: The site is of archaeological significance in accordance with Arun District Local Plan Policies GEN7 and AREA17. This is required to be a pre-commencement condition because it is necessary to implement any archaeological surveys prior to commencing any building works.

- 18 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes to be used for external walls and roofs of the proposed buildings have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the buildings.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policy GEN7 of the Arun District Local Plan.

- 19 Prior to the commencement of the development hereby approved, a detailed level survey of the site including existing and resulting ground levels and the slab levels of the building the subject of this approval, shall be submitted to and approved by the Local Planning Authority. The development shall proceed only in accordance with the details thus approved and there shall be no subsequent raising of levels without prior written approval of the Local Planning Authority.

Reason: It is necessary for this to be a pre commencement condition in order to safeguard the amenities of the area and neighbouring residents in accordance with policy GEN7 of the Arun District Local Plan.

- 20 INFORMATIVE: Please note that the discharge of treated sewage effluent requires a Permit from the Environment Agency under the Environment Permitting Regulations, 2010. A detailed assessment of information provided of treatment for foul drainage will be undertaken as part of the permitting process. This will include a thorough assessment of the justification for non mains drainage. The environmental acceptability of the discharge on the receiving waters will also be fully determined as part of the permitting process. An application for an Environmental Permit will be determined in accordance with Defra guidance and there are therefore no guarantees a Permit will be granted. A Permit will be refused if the environmental impacts are unacceptable or where we consider a connection to the mains sewer network is appropriate.

- 21 INFORMATIVE: The Environment Agency note that this development proposes to

dispose of foul drainage through an on-site package treatment plant. Considering the current location of the mains sewer network and the size of this development this approach may be appropriate, however, they are aware that the larger development at Toddington Nurseries is currently being built out in close proximity to this site. When occupied the development will provide a public mains sewer network nearer to this site which would make a connection here more appropriate.

It is considered that through the reserved matters application further consideration should be given to the proposed method of foul drainage and where possible connection to the public foul sewer is sought.

- 22 **INFORMATIVE:**
Lighting around the parking and communal areas should conform to the recommendations within BS 5489:2013.
- 23 **INFORMATIVE:**
Where the intention is to dispose of surface water via infiltration/soakaway, these should be shown to be suitable through an appropriate assessment carried out under the methodology set out in BRE Digest 365 or equivalent.
- 24 **INFORMATIVE:**
This permission is subject to an agreement under Section 106 of the Town & Country Planning Act 1990 relating to open space and education contributions.
- 25 **INFORMATIVE:**
Section 278 Agreement of the 1980 Highways Act - Works within the Highway.
The applicant is advised to enter into a legal agreement with West Sussex County Council, to cover the off-site highway works. The applicant is requested to contact the Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
- 26 **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.
- 27 **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 assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.