

Recommendation Report for County Matter Consultation

REF NO:	LY/21/18/WS
LOCATION:	East of Lyminster Village & Between, Toddingto Nurs.... Nurseries & A284 Lyminster Road Lyminster Littlehampton
PROPOSAL:	Creation of a 1.1km Highway, with shared cycleway and footway, Pegasus crossing, viaduct, culvert, wetland areas, balancing pond and swales, street lighting and associated works. This is a County Matter & will be determined by WSCC.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This planning application is a County Matter, which has been submitted by the Local Highway Authority which will be determined by West Sussex County Council as the County Planning Authority. Arun District Council is being consulted as the Local Planning Authority within which the proposed northern section of the Lyminster Bypass is located. The proposed northern section of the Lyminster Bypass, measuring 1,100 metres long, consists of the re-alignment of the A284 (Lyminster Road) east of Lyminster and Wick villages. The northern section of the Lyminster Bypass is required to link the North Littlehampton Strategic Development Area (SDA) to the adjacent highway network. The site is located in Lyminster parish and runs from south to north from the former nursery site on Toddington Lane which is currently being developed for North Littlehampton Strategic Development Area (SDA), where it will link up with the southern section of the Lyminster Bypass at a new roundabout adjacent to the proposed commercial area; then run north to link up with a new priority junction at the existing A284 (Lyminster Road), 600 metres south of the A27 at Crossbush, north east of Lyminster village. The northern section of the Lyminster Bypass would be delivered by the Local Highway Authority (WSCC); and would link up with the southern section of the Bypass (LU/278/17/RES, which is to be delivered by Persimmon Homes) at the new roundabout adjacent to the proposed commercial area in the Strategic Development Area. To the south, the approved southern section of the Lyminster Bypass would link up with Worthing Road (the A259) and the northern end of the Fitzalan Link Road (approved under LU/234/16/RES), the route of which runs alongside the
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Littlehampton Academy. The southern end of the Fitzalan Link Road has already been built by WSCC between the access to Littlehampton Academy and East Street.

The northern section of the Lyminster Bypass would include a viaduct which would span the Black Ditch and new road junctions with the existing A284 (Lyminster Road) which would be re-routed into the northern section of the Bypass incorporating a priority junction approximately 600 metres south of the A27 at Crossbush. The Bypass would also include culverts for the Black Ditch and Brookfield Stream; and would be constructed on an embankment heading northwards from the Black Ditch viaduct towards Crossbush.

BOUNDARY TREATMENT

The site boundary is defined to the north by the existing A284 and the A27 at Crossbush. The western boundary of the site is defined by the village of Lyminster. The eastern boundary of the site is defined by farmland. To the south and south east of the application site, mixed use development is being delivered on the North Littlehampton Strategic Development Area.

SITE CHARACTERISTICS

The village of Lyminster lies to the west of the site and the village of Poling to the east. The A284 (Lyminster Road), which is the main road serving Littlehampton from the A27 passes to the west of the site through Lyminster and Wick and then runs on south to Littlehampton Town Centre.

CHARACTER OF LOCALITY

The locality is characterised by low-lying land, south of the Black Ditch, comprising grazing marshes of biodiversity value. To the north of the Black Ditch the land is mainly farmland and isolated houses locate on the edge of Lyminster village.

RELEVANT SITE HISTORY

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 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	App Cond with S106 23-01-13
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right of way.

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 06-06-12
LU/278/17/RES	Approval of Reserved Matters following Outline Permission LU/47/11 for Construction of the southern section of the Lyminster Bypass, including northern and southern roundabouts, surface water drainage and landscaping. Departure from the Development Plan & affects a Public Right of Way.	ApproveConditionally 04-10-18

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

This planning application for the northern section of the Lyminster Bypass was discussed at the North Littlehampton Steering Group meeting in December 2018. The Steering Group was supportive of the proposed northern section of the Lyminster Bypass.

COMMENTS ON REPRESENTATIONS RECEIVED:

Views of the North Littlehampton Steering Group are noted.

CONSULTATIONS

Environmental Health
Parks and Landscapes
Arboriculturist
Ecology Advisor
Engineering Services Manager
Engineers (Drainage)
Highways England
Environment Agency
Sussex Police-Community Safety
Surface Water Drainage Team
Conservation Officer

CONSULTATION RESPONSES RECEIVED:

ADC DRAINAGE:

No objection.

It is recommended that a condition is imposed ensuring that any proposals to culvert ordinary watercourses are appropriate. The Lead Local Flood Authority (i.e. the County Council) will ensure the surface water drainage proposals meet WSCC policy requirements.

ADC ENVIRONMENTAL HEALTH:

No objection.

The guidance, methodology, and mitigation measures set out in the Acoustic (Noise and Vibration Assessment) Report should be followed to protect the amenity of any nearby noise sensitive premises / receptors, and be conditioned accordingly.

ADC GREENSPACE:

No objection.

ADC ARBORICULTURE:

No objection subject to conditions.

ADC CONSERVATION OFFICER:

No objection.

ADC ECOLOGICAL ADVISOR:

No objection.

Conditions are requested to protect the bat roosts in the trees and hedgerows, and the provision of a suitable lighting scheme; further survey work is recommended due to the presence of two badger setts on the site; the mitigation measures for badgers, otters and reptiles proposed in the Ecological Impact Assessment (November 2018), should be conditioned; and conditions are required for the submission of a Construction Environmental Management Plan and a Landscape and Management Plan, including measures to protect Barn Owls and European Eels.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. WSCC will have consulted Highways England, Sussex Police and their own Ecology Advisors and specifically requested Environmental Health Officer comments only.

POLICY CONTEXT

Designation applicable to site:

- Outside the Built Up Area Boundary
- Countryside
- North Littlehampton Strategic Development Area (SDA) - now marketed as 'Hampton Park'

DEVELOPMENT PLAN POLICES

[Arun Local Plan 2011 - 2031:](#)

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
CSP1	C SP1 Countryside
SDSP3	SD SP3 Gaps Between Settlements
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
HERDM1	HER DM1 Listed Buildings

HERDM6	HER DM6 Sites of Archaeological Interest
GISP1	GI SP1 Green Infrastructure and Development
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QEDM3	QE DM3 Air Pollution
QESP1	QE SP1 Quality of the Environment
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
TSP3	T SP3 Safeguarding to Main Road Network

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011-2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

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.

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; Ford.

The Lyminster and Crossbush Neighbourhood Plan is at the formative designation stage. There is no made Neighbourhood Plan in place in Lyminster.

The Littlehampton Neighbourhood Plan (LNP) was made on 5th November 2014. The Littlehampton NP covers the area occupied by the North Littlehampton Strategic Development Area.

CONCLUSIONS

This is a Regulation 3 planning application submitted to West Sussex County Council (WSCC) who will determine the application. Arun District Council is a consultee only for the application and it is not the role of Arun District Council to make a decision on the application. The following sets out ADC's proposed response to WSCC.

The proposed northern section of the Lyminster Bypass is a fundamental and strategic part of the transport improvements associated with the delivery of the North Littlehampton Strategic Development

Area. Once constructed, the whole route including this northern section of the Lyminster Bypass, which is the subject of this application (LY/21/18/WS); the southern section of the Lyminster Bypass (approved under LU/278/17/RES); the northern section of the Fitzalan Link Road which passes the Academy; and the already constructed southern section of the Fitzalan Link Road would provide access to and from the A259 and Littlehampton town centre to the south and the A27 to the north at Crossbush. Highway construction work is programmed to commence in April 2019 on the southern section of the Lyminster Bypass and the northern section of the Fitzalan Link Road.

The application proposal is for a 7.3 metre wide road with a single lane carriageway in each direction, running north-south for a length of 1,100 metres. A 3.0 metre wide footway / cycleway is shown running along the eastern side of the viaduct over the Black Ditch which would link up with the footway / cycleway on the approved southern section of the Lyminster Bypass; but then the footway / cycleway runs along the western side of the Lyminster Bypass on the approach to the existing A284 towards Crossbush. The proposed Bypass would be carried over the Black Ditch on a 225 metre long viaduct. The viaduct would be between 4.0 and 4.5 metres above the existing ground level. The Bypass would run for most of the remainder of the route towards Crossbush on an embankment measuring between 2.0 and 3.0 metres above the existing ground level. The proposed development includes a surface water pond and swales located immediately east of the viaduct; together with a maintenance track running along beneath the western side of the viaduct. There would be a separate and larger attenuation pond and associated access track located east of the Bypass, close to the proposed priority junction with the A284 (Lyminster Road), located north of the viaduct.

SURFACE WATER DRAINAGE

ADC Drainage Engineers are satisfied with the proposed surface water drainage mitigation measures, but requested that a condition is imposed ensuring that any proposals to culvert ordinary watercourses are appropriate.

NOISE

Environmental Health raised no objection to the noise mitigation measures including the provision of 2.5 metre high acoustic fencing; and has requested that a condition be imposed to ensure the guidance, methodology, and mitigation measures set out in the Acoustic Report are followed.

AIR QUALITY

Environmental Health is satisfied with the Air Quality Assessment which concluded there was a medium to low risk of dust soiling and the recommended mitigation measures which include measures specific to earthworks and construction, the use of water assisted dust sweepers to remove any material tracked out of the site, and monitoring of air quality and dust.

LANDSCAPING

ADC Greenspace have no objection to the proposed development. The landscape mitigation proposed is sparse with much of the proposed greening comprising wet grassland and amenity grass verge. Finished topography would have a significant outcome on what would be possible to achieve from the mitigation landscaping, but the rural location of the proposed Bypass, the existing dwellings and the proximity within 600m south of the South Downs National Park boundary should not be under-estimated. Viaduct and embankment areas and made up ground would not necessarily be suitable locations for planting, neither would floodplain areas, wetland areas to the east and the proximity to proposed underground attenuation storage. Additional planting should be incorporated into the scheme as mitigation for air quality decline. The biodiversity opportunity should be maximised by the landscaping proposals. The specimen trees would need to be sufficient in height when planted to afford visual mitigation, and diminish the visual impact over time.

TREES

The ADC Arboricultural Officer has no objection to the proposed development but has requested the imposition of two conditions. The high quantity of moderate/low quality trees identified for removal is unfortunate and should be mitigated for with an ambitious programme of tree planting as part of a landscape masterplan; supported by a programme of ongoing maintenance/aftercare to ensure high survival rate and long-term establishment. Native trees should be prioritised. The report from WSP is comprehensive and sets out an ambitious plan of tree/ground protection measures and procedures. These are necessary and welcome; but in order to be effective must be included in conditions to encourage full compliance and an effective route to compensation if there are any unplanned damage events.

HISTORIC ENVIRONMENT

The ADC Conservation Officer has no objection to the proposed development. There are two Conservation Areas; Lyminster Conservation Area and Poling Conservation Areas in the locality. Lyminster Conservation Area is located to the west of the site and covers the historic core of the village including the grade I listed church and 6 grade II listed buildings. The proposed development is located to the east of the village, which is screened from view by vegetation or development. As a consequence, it is considered that the proposal would not harm the conservation area or the listed buildings. It should also result in a reduction in traffic through the Conservation Area. Poling Conservation Area is located to the east of the site and is split in to two separate areas. Of significance is the grade I Listed Church. The location of Poling Conservation Area, along with vegetation screening mean that it is not considered that the proposal would harm the Conservation Area or the listed buildings.

Of the number of listed buildings in the local area (outside the conservation areas), a number are of significance including St Johns Priory in Poling, Brook Lawn, Calceto and the 6 Bells Public House in Lyminster, which are also of significance. The ADC Conservation Officer considers that the proposed development would not harm the significance of these assets. The assets located closest to the application site are that of The Old Vicarage and Vicarage Cottage, which are Locally Listed. It is considered that as the assets are the closest to the proposal, there is potential for the development to affect their significance. It is acknowledged that the assets are located close to an existing busy road, but the proposal would ensure that this negative feature re-locates from one side of the asset to the other. Screening and acoustic fencing would reduce the impact to an extent, but may be visible. It is considered that on balance the harm would be neutral.

ECOLOGY

The ADC Ecological Advisor has no objection to the proposed development. ADC Ecology has recommended a condition is imposed to protect the bat roost on the site by retaining a 20m buffer zone around the tree and a 5m buffer around the hedgerows; and during construction of the Bypass fencing should be used to ensure this area is undisturbed, and where necessary replacement hedgerows planted. The lighting scheme for the site will need to take into consideration the presence of bats in the local area. Due to the presence of two badger setts on site which would be disturbed by the works, further survey work is recommended to determine whether the setts are active. A badger survey should be carried out prior to a start on site. The imposition of a condition requiring a badger survey and a condition covering these enhancements is considered to be reasonable to enhance on-site ecology. ADC Ecology has also recommended the mitigation measures for badgers, otters and reptiles proposed in the EIA (November 2018), should be conditioned. Any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season. Conditions are requested for a Construction Environmental Management Plan (CEMP) detailing the protection measures during the construction phase, including measures to protect Barn Owls and European Eels; and a Landscape and Ecological Management Plan (LEMP) is compiled detailing the management and maintenance of the site once construction of the Bypass has ended.

SUMMARY

It is therefore recommended that no objections are raised to the proposal but a number of conditions are recommended.

RECOMMENDATION

NO OBJECTION

- 1 All activity at the site is to be carried out in strict accordance with: - WSP, Detailed Arboricultural Report ref. 70048270-E05 and Arboricultural Method Statement, dated October 2018.

Before the site is occupied or any machinery is introduced to the site or demolition work or construction work or alterations to existing ground levels takes place a PRE-COMMENCEMENT Site Meeting is to take place between the Planning Authority's Tree Officer and the Arboricultural Expert representing the site owner(s) - at this meeting all protective fencing and ground protection measures will be inspected to verify they are 'Fit for Purpose' as required under British Standard 5837:2012 and have been erected and positioned exactly as shown on the Tree Protection (Arboricultural Removal) Plans, 70048270-TPP-EV-001 to 008 inclusive, dated September 2018.

A schedule of Site Monitoring/Supervision visits and Reporting Procedures prepared by an Arboricultural Expert will be required and their extent will be agreed on at the site meeting to the satisfaction of the Planning Authority's Tree Officer.

If there is deemed to be a need for any Utility Service Route connections to bisect retained tree Root Protection Areas/Zones then prior to their installation a Method Statement prepared by an Arboricultural Expert must be submitted that stipulates how this can be achieved without adverse impact on tree roots. Written approval and confirmation of acceptance of this Methodology must be issued before any works are commenced out on site.

- 2 Any tree pruning considered essential to enable the agreed development must meet the requirements of BS3998:2010 Tree work recommendations:

- Where whole branches are to be removed and final cuts made close to the trunk or branch union they are to be made as shown in Figure 2 of BS3998:2010.

- Where branches are to be shortened back the final cuts are to be made at the correct angle shown in BS3998:2010 and adjacent to a live bud or lateral.