

Recommendation Report for Approval of Reserved Matters Following Outline Approval

REF NO:	P/114/24/RES
LOCATION:	Land west of Pagham Road Pagham
PROPOSAL:	Reserved matters application (pursuant to outline permission P/178/21/OUT (APP/C3810/W/22/3302023)) for matters of appearance, landscaping, layout and scale concerning the construction of 95 new homes along with new pedestrian and cycle links, open space, landscaping, habitat creation, drainage features and associated groundworks and infrastructure. This development is in CIL zone 5 (CIL liable as new dwellings) and may affect the setting of listed buildings.

**SITE AND SURROUNDINGS**

**DESCRIPTION OF APPLICATION**

This application seeks reserved matters for 95 dwellings with associated public space, landscaping, parking, ecological mitigation, and drainage. Approval of scale, layout, external appearance, and landscaping are sought. Application P/178/21/OUT approved the access arrangements. Of the 95 total, 29 will be affordable units (comprising 8 first homes, 19 affordable rented, 2 shared ownership). 48 of the homes will be built to the M4(2) Building Regulations standard (mix of affordable and market) and 4 will be to the M4(3) standard, the latter being solely within the affordable tenure.

The scheme includes a total of 244.5 spaces (comprising 61 garages (treated as 30.5 spaces)), 5 car ports and 209 allocated on/off plot) plus 19 visitor spaces. Fourteen of the allocated spaces meet the disabled standard and are provided for both the M4(3) units (4 spaces) and for visitors (10 of the visitor spaces are accessible). Cycle parking is indicated to either be within cycle storage sheds in rear gardens, or in garages. All properties will have bin storage spaces and there will be bin collection points dotted around the layout. Plans of the garages and the cycle sheds are included.

The dwellings are predominantly two storeys but there are some instances of two storeys where the first-floor rooms are within the roof space. The building designs are mixed with several different house types including detached, semi-detached, and terraced. Roof heights & roof shapes vary and there are some instances of chimneys.

As per the outline permission, the site will have a main vehicular access from Pagham Road which is North of the Hook Lane junction and south of the access to the dwellings North of the site. The access will be 6m wide (reducing to

5.5m as it enters the site) with 2m footpaths on both sides (linking in with the existing on Pagham Road). These dimensions and arrangement continues through the layout via the main estate road although the estate roads linking to this are narrower as befits their status in the hierarchy. A separate footpath access will be provided in the south-eastern corner, south of a tactile paved crossing point.

The main area of Public Open Space (POS) is at the western end of the site around the proposed attenuation ponds but there is an area at the eastern end and centrally adjacent to the main spine road. The site proposes a Local Equipped Play Area (LEAP) at the eastern end adjacent to Pagham Road, a Local Area of Play (LAP) at the western end close to the attenuation pond and then a trim trail running around the western side of the same drainage feature. There are landscaped/wildlife buffer areas along the northern and southern boundaries and at the western end. An electricity substation is shown adjacent to the main estate road just in from the site access. Lighting is proposed in the form of a mix of porch and rear lights. No streetlighting is proposed.

#### SITE AREA

4.91 hectares.

#### RESIDENTIAL DEVELOPMENT DENSITY

19.3 dwellings per hectare (gross)

#### TOPOGRAPHY

The site is predominantly flat to the front but slopes away to the western (rear) end.

#### TREES

There are no trees within the site area but there are trees, tree groups and hedges along all of the boundaries. The submitted Arboricultural Assessment identifies one of these (T4 - roughly mid-way along the northern boundary) as being category B (medium quality) with all others as category C. The majority of trees, hedges and tree groups are proposed to be retained with the exceptions being:

- Group 5 (Hybrid Black Poplar) in the south-western corner adjacent to plot 42.
- Group 6 (Wych Elm) close to the south-eastern corner to the east of plot 1.
- A 2.5m part of Hedge 6 (Mixed Blackthorn, Elder, Hawthorn, Field Maple) in the very south-eastern corner; and
- A further 14m part of Hedge 6 just south of the site access.

Pruning works are also proposed to T9 (crown raise to 5.5m) and H2 (prune back of H2 to allow for 2m clearing for scaffolding).

#### BOUNDARY TREATMENT

Mix of hedges and low post & rail fencing.

#### SITE CHARACTERISTICS

Existing agricultural field fronting and accessed from Pagham Road. There are periphery hedgerows (including along the frontage) and small tree groups within these boundaries. The means of access also serves a small number of residential

properties situated to the north of the site.

## CHARACTER OF LOCALITY

Edge of settlement location between a large residential mobile home park (Mill Farm - approx. 270 homes) and small urban two storey housing development to the south and a collection of semi-rural residential dwellings plus a very small residential mobile home (Fieldview - 4 homes) to the north. There are listed buildings to the north and south. To the rear of the site is a small, wooded Copse area which includes a pond that is connected to the Pagham Rife and to a drainage ditch running adjacent to (but outside of) the site's northern boundary. The site frontage is opposite a strategic housing allocation site which is currently being built out. There is a bus stop (and pavement leading up to it on the site frontage.

## RELEVANT SITE HISTORY

P/20/25/NMA	Non material amendment following the grant of P/178/21/OUT for the rewording of condition 6.	
P/141/23/HH	Provision of 2 bay carport.	ApproveConditionally 12-02-24
P/54/23/HH	Conversion of the existing store/games room into 1 No 2-bedroom annexe, installation of 3 No conservation roof lights and replacement/installation of new windows and doors to the front (east) elevation (resubmission following P/182/22/HH). This application affects the setting of a listed building.	ApproveConditionally 20-06-23
P/178/21/OUT	Outline application with all matters reserved (except access) for the construction of up to 106 new homes, formation of access onto Pagham Road, new pedestrian and cycle links, the laying out of open space, new strategic landscaping, habitat creation, drainage features and associated ground works and infrastructure. This application is a Departure from the Development Plan and may affect the setting of a Listed Building.	Refused 19-05-22  <b>Appeal: Allowed+Conditions 14-12-22</b>

P/178/21/OUT was granted at appeal and gave outline permission with matters of scale, appearance, layout, and landscaping reserved, for up to 106 dwellings (30% affordable). Subsequently, the wording of condition 6 was amended in March 2025 by P/20/25/NMA.

Pre-application was sought in August 2024 and the officer advice concluded that subject to changes being made to the layout (location of the pumping station, play area improvements, additional tree

buffers, increased interface distances) and a justification being provided for the proposed housing mix, the scheme was likely to be capable of officer support. However, the applicant was advised that additional consultations would be undertaken at the RM application stage which may throw up issues not identified in this letter.

The other applications on the list refer to recent approved changes to the dwellings which lie to the North of the site. However, per the Council's Building Control records, only the car port permission has been implemented.

<b>REPRESENTATIONS</b>
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Pagham Parish Council state no objection with the following comments:

- (1) Request further measures to combat climate change (grey water systems, porous driveways, and solar panels).
- (2) Request confirmation that there will be fencing around the toddler play area which is next to the attenuation pond.
- (3) Request confirmation that there will be a barrier at the pedestrian entrance to the site to ensure no access for motorbikes.
- (4) Remain concerned around the possibility of flooding at the site, and the potential impact of the land raising required to make the proposed drainage solution work properly; and
- (5) Concerned around the layout of the access to the site and request that it be altered to allow for a left turn lane.
- (6) Request that applicant work with WSCC to implement a reduction of the speed limit in the area.

4 letters of objection from local residents raising the following concerns:

- (a) No more developments should be granted until the Pagham Safe Cycle Link is constructed as cycling on Pagham Road/pavements is dangerous.
- (b) Loss of agricultural land.
- (c) Loss of valuable wildlife habitat.
- (d) Increased flood risk.
- (e) Harm to the Pagham Special Protection Area from increased visitors.
- (f) Harm to the setting of nearby Listed Buildings.
- (g) Increased strain on existing infrastructure including Doctors and Schools.
- (h) No need for more housing in this area.
- (i) Policy should be to develop brownfield sites first.
- (j) Parts of the ecology appraisal have been redacted so are not visible to the Public.
- (k) Increased flood risk from drainage discharge to the ditch watercourse to the north-west of the site.
- (l) Harm to adjacent trees (outside of the site/not shown on the survey) from Plot 45.
- (m) Insufficient enhancement proposals of boundary hedge 3 resulting in security concerns.
- (n) The plans include a ditch within the ownership boundary which is owned by a third party.
- (o) Child safety concerns from deepening the drainage ditches; and
- (p) Dwellings being built over a Southern Water Rising Main.

**COMMENTS ON REPRESENTATIONS RECEIVED:**

Many of the issues raised are relevant to either the principle of development on the land, the access arrangements or the infrastructure requirements which were determined through the outline application and cannot be revisited. The same is true of matters relating to climate change and surface water drainage. As these matters are covered by conditions attached to the outline permission or not relevant to the reserved matters, it is not relevant to respond to these through this report. These include Parish

Council objections (1), (4) & (5), and local resident objections (a), (b), (c), (d), (g), (h), (i), and (k).

In respect of the remainder of the objections these are either discussed in the conclusions section or commented on below.

(2) Fencing around the LAP play area will be secured by a condition.

(3) A barrier/chicane arrangement has been shown on the plans to deter access by motorbikes. The LEAP play area will be subject to further assessment by condition.

(6) The applicant has stated that Technical approval as part of the S278 Agreement for the proposed access arrangements has been received from WSCC for a reduction in the speed limit to 30mph along the part of the Pagham Road that fronts the site.

(e) The s106 Agreement that accompanied the outline permission secured mitigation to offset the harm arising from increased visitation at the Harbour. This is in accordance with the Council's policies.

(f) Heritage is considered in the report conclusions.

(j) It was necessary to redact part of the document concerning badger records in order to comply with Regulation 12(5)(g) of the Environmental Information Regulations (Protection of the Environment).

(l) The Councils Tree Officer is entirely happy with the scheme and raises no concerns with the impact of plot 45.

(m) The applicant confirms that all hedgerows are being enhanced.

(n) The applicant stated that the application plans have been checked and are correct. They have advised the neighbouring landowner that the post and rail fence is the boundary and as such everything north of this (including the ditch) is under the ownership of the neighbouring landowner. The proposed outfall is via the western ditch (within the applicant's ownership), not the northern ditch (owned by others).

(o) This permission will not approve the drainage scheme (this is subject to separate condition discharge). The final design could include a boundary fence to the ditch on the western boundary. However, it would not be likely that small children would be unsupervised in the area of the western boundary; and

(p) No dwellings are being built over the Southern Water Rising Main. This is indicated on the plans by a hashed line and largely follows the route of the central spine road.

## CONSULTATIONS

### CONSULTATION RESPONSES RECEIVED:

**ENVIRONMENT AGENCY** - Initially raised objection due to the absence of a Flood Risk Assessment (FRA). Following receipt of such, state no objection provided condition 4 of the outline permission (which refers to floor levels of the houses within the flood event) is adhered to.

**WSCC HIGHWAYS** - Initially requested amendments to the layout. Following amendments, state no objection subject to a condition to secure dropped kerbs and tactile paving at pedestrian crossing points.

**WSCC FIRE & RESCUE** - Request conditions be imposed to secure fire hydrants.

**WSCC LEAD LOCAL FLOOD AUTHORITY** - State no objection to the proposed drainage strategy. Infiltration has been proven to not be viable and so water will be discharged to the neighbouring watercourse at greenfield rates. State there is sufficient room in the layout to accommodate the drainage attenuation requirements.

**ADC CONSERVATION OFFICER** - no objections and maintains the view (as per Outline stage) that the

proposal will result in less than substantial harm to the setting of the Nyetimber Windmill but will not result in any harm to Rookery Farmhouse. Does not request any conditions.

ADC ECOLOGIST - Initially requested further information regarding mitigation and enhancement measures. Following receipt of further/amended information confirms no objection and recommends no conditions.

ADC TREE OFFICER - No objection. Supports the removal of Tree Group 5 as these trees are in poor condition and will adversely affect plot 42. States no concerns with the relationships of retained trees and drainage proposals. States the absence of buffer zones to retained trees is unfortunate but tolerable in this instance. Recommends two conditions be imposed.

ADC LANDSCAPE OFFICER - Initially requested more detail regarding landscaping and play spaces. Following receipt of more information, advises no objection but that the details of landscaping and play spaces will need to be secured by conditions.

ADC ENVIRONMENTAL HEALTH OFFICER - Stated no objections to the lighting scheme.

### COMMENTS ON CONSULTATION RESPONSES:

Comments noted and conditions imposed except as discussed below:

WSCC FIRE & RESCUE - a fire hydrant condition was imposed on the outline permission so it is not appropriate to impose it again.

### POLICY CONTEXT

Designations applicable to site:

- Outside the Built Up Area Boundary.
- Within a Settlement Gap.
- Within Predominantly Flood Zone 1 but with Flood Zone 2/3 at the rear and predicted to have a greater FZ3 extent by 2111.
- Some small pockets of known Surface Water Risk (1:1000 year).
- Potential for high groundwater levels.
- The site is crossed by a Sewer Main.
- In part within a designated Biodiversity Opportunity Area.
- Within 2km of the Pagham Harbour SSSI.
- Part within a 500m waste site buffer.
- Pagham Harbour Zone B.
- Area of Special Control of Adverts.
- Setting of nearby Grade II Listed Buildings (Nyetimber Windmill and Rookery Farmhouse); and
- CIL Zone 5.

### DEVELOPMENT PLAN POLICIES

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

AHSP2	AH SP2 Affordable Housing
DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation

ENVDM2	ENV DM2 Pagham Harbour
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
HDM1	H DM1 Housing mix
HERSP1	HER SP1 The Historic Environment
HERDM1	HER DM1 Listed Buildings
OSRDM1	Protection of open space,outdoor sport,comm& rec facilities
HWBSP1	HWB SP1 Health and Wellbeing
QESP1	QE SP1 Quality of the Environment
QEDM2	QE DM2 Light pollution
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management

**PLANNING POLICY GUIDANCE:**

NPPDG	National Design Guide
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

**SUPPLEMENTARY POLICY GUIDANCE:**

SPD11	Arun Parking Standards 2020
SPD12	Open Space,Playing Pitches & Indoor& Built Sports Facilities
SPD13	Arun District Design Guide (SPD) January 2021
PDS	Pagham Parish Council's Village Design Statement by PaghamPC

**POLICY COMMENTARY**

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan and Made Neighbourhood Development Plans. The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

**DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND**

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

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

The proposal complies with relevant Development Plan policies in that it would result in a development of

an appropriate scale, layout and appearance which is not harmful to the character & appearance of the area, nearby heritage assets, important trees or the amenities of existing and future residents.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

- (2) in dealing with an application for planning permission the authority shall have regard to -
- (a) the provisions of the development plan, so far as material to the application,
  - (aza) a post examination draft neighbourhood development plan, so far as material to the application,
  - (b) any local finance considerations, so far as material to the application, and
  - (c) any other material considerations.

#### OTHER MATERIAL CONSIDERATIONS

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

#### BIODIVERSITY NET GAIN

This application is not liable for Biodiversity Net Gain (BNG) as it relates to an Outline permission granted prior to the introduction of mandatory BNG.

#### CONCLUSIONS

##### PRINCIPLE:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states applications should be determined in accordance with the development plan unless material considerations indicate otherwise. Section 38(5) states: "If to any extent a policy contained in a development plan for an area conflict with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document". However, there is no Neighbourhood Plan to consider as the emerging Pagham Plan was withdrawn in September 2020.

P/178/21/OUT agreed a development of up to 106 dwellings together with the provision of open space, landscaping, and associated infrastructure. Vehicular access was agreed to be from Pagham Road. The outline permission established the principle in respect of flood risk, traffic generation, highway safety, archaeology, impact on wildlife, loss of agricultural land, countryside location, foul drainage (the principle of the new dwellings connecting to the network), heritage mitigation measures and provision of affordable housing, public open space & children's play.

##### COMPLIANCE WITH OUTLINE CONDITIONS:

It has been established by case law that applications for the approval of reserved matters must be within the ambit of the outline planning permission and must be in accordance with the conditions annexed to the outline planning permission. Certain conditions imposed by the outline set parameters for the nature and form of the Reserved Matters submission and these are analysed below. When determining whether reserved matters fall within the ambit of an outline planning permission the courts have allowed a little freedom of interpretation with the usual test being whether any changes make a material difference to the essence of what was approved.

Condition (4) requires the layout ensure that:

- There is no built development placed within the part of the site designated by the Arun Local Plan as



part of a Biodiversity Improvement Area (BOA).

- Either (i) all properties are situated outside the Design Flood Event (which is the Brookbanks Consulting Ltd 0.5% (1 in 200 year) 2115 undefended with climate change) outline as shown on drawing 10821-SK05; or (ii) any properties that fall within the Design Flood Event have a Finished Floor Level of at least 300mm above the Design Flood Event.
- Dark wildlife buffer areas are proposed to the site's edges and that these are kept free of lighting; and
- As per the submitted Historic Environment Desk Based Assessment (ref PN2721/HEDBA1, October 2021), there is a development free zone in the south-eastern corner in order to maintain a sight line of the Grade II listed Nyetimber Windmill from Pagham Road

The layout shows only pathways and open space within the BOA. All houses are outside the future flood risk extent. Some roads, paths and parking spaces are within, but this is ok. Wildlife buffers are included to the boundaries and the site frontage is free of development save for the LEAP play area and this is acceptable to the Council's Conservation Officer. Therefore, there is no conflict with this condition.

Condition (5) requires that the RM submission include full tree survey documents\*, full landscaping details including the use of native trees and compensatory planting on the basis of 2 trees/hedge units for every 1 lost, boundary treatments including hedgehog gaps, details of hedgerow buffer zones during construction, a LEMP and full details of new external lighting.

The applicant has provided the required tree documentation, but the landscaping scheme has not been finalised yet and so parts of this aspect of the submission are indicative. However, it is proposed to impose conditions to seek the final; landscape details and this will ensure no conflict with the requirements. All other required items have been provided.

Condition (6) (as amended by P/20/25/NMA) requires that the RM submission include full details of Public Open Space (POS) provision.

The scheme does do this and there is no conflict with the condition.

Conditions (7) and (8) requires that the RM submission include details of circulation routes, electric vehicle charging points (EVCP), a levels survey, cycle storage details (including elevations), a colour materials schedule, and details of the provision of M4(2) (50% of homes) and M4(3) housing (two homes) to meet the council's policies.

The submissions meets all of these requirements and so there is no conflict with the condition.

Condition (9) requires that the development be carried out in complete accordance with the mitigations and enhancements set out in the Ecological Appraisal.

The Council's Ecologist is now happy with the submission therefore there is no conflict with this condition.

#### LAYOUT, APPEARANCE AND SCALE:

ALP policies D SP1 and D DM1 require development make the best possible use of land by reflecting or improving on the character of the site/surrounding area. Policy AH SP2 seeks to ensure affordable housing is visually indistinguishable from market housing and layouts avoid large clusters. The National Design Guide (NDG) is a material consideration in the determination of this application, as well as the Arun Design Guide (ADG).

The Pagham Village Design Statement (PVDS) is around 17 years old but remains a material

consideration. The site falls in the 'Rural Areas' character area and the advice states the open fields west of Pagham Road and those abutting Hook Lane are considered especially sensitive and valued areas. However, this part of the PDS contains no guidance on design and the principle of development of this field has been established. It is more appropriate to refer to the guidance on the Nyetimber area guidance as this encompasses the part of the BUAB to the south of the site. This sets out that development should be small in scale, spacious and reflect the style and open character of the area.

The ADG suggests a density of 15-25 for detached/semi-detached houses and 20-30 for terraced houses in village locations and states density should decrease with distance from the centre of a settlement, to ensure development relates sensitively to its setting and addresses edges of the site in a positive way. The overall density is within this range (19.3).

The layout of the development is constrained by a number of factors - the need to provide a development free zone in the south-eastern corner, the need to keep houses outside of the future flood risk extent, the need to provide landscaped natural buffers and the need to ensure no homes are placed over the Southern Water sewer which crosses the site. These factors have resulted in some deficiencies with the layout most notably in respect of the denser, slightly cramped arrangement for the houses south of the spine road. The arrangement of this area has required some careful placement of windows and use of obscure glazing to prevent or minimise harm to the privacies of existing/proposed properties. Whilst this part of the development does conflict with the guidance in the PVDS due to its cramped nature, it is at least in character with the high density/close knit layout of the Mill Farm Estate which abuts the site to the south.

As a whole, the layout is acceptable, and it is positive that the quantum is only 95 homes given that permission was granted for up to 106. The scale of the houses contrast with those of the Mill Farm estate to the south, but this is to be expected as they are mobile homes. It is appropriate having regard to the wider character of the area to have two storey homes on this site. Placing a two-storey home within a mobile home park would be out of character but it is acceptable to have differing heights side by side on different sites where there are clear boundaries (and landscaping) between.

The affordable housing are in small clusters that are well spaced throughout the layout. Two clusters are next to each other on the southern boundary, but this is acceptable as they are accessed by road from two different points. The scheme includes instances of terraced housing in both the market and affordable sectors thus ensuring the terraced houses are not just seen as affordable (which is often the case with large developments).

The substation is sited very prominently on the main spine road. It is accepted that its position is dictated by the route of the electricity supply. The scheme proposes landscaping around this substation to help soften and green its otherwise stark appearance. Concerns were raised at the pre-application stage regarding the placement of the foul pumping station close to the Mill Farm Estate as any disturbance from this should affect proposed not existing residents. This aspect has not changed however, there is at least 15m between the pumping station and any existing or proposed dwellings and this meets national guideline to ensure no noise or vibration disturbance to dwellings.

The scheme includes 23 base house types and then some of these have slight variations in floor plan or elevation. This ensures that very few houses will look the same and there will be significant variation in rhythm in street scenes. As such, the layout will be visually interesting to persons living there and visiting. The proposed materials are high quality, and the layout includes landmark type buildings to draw the eye.

In summary, the proposal is acceptable in terms of layout, scale, and appearance and in accordance with ALP Policies D DM1 and D SP1, the ADG and the PVDS.

## TREES AND LANDSCAPING:

ALP policy D DM1 sets out a requirement for the provision of landscaping. Policy ENV DM4 states TPO protected trees or those that contribute to local amenity should not be damaged or felled unless the development meets certain criteria including that the benefits outweigh the loss of trees or woodland.

The scheme does not include firm plans of the landscaping with plot frontages shown indicatively for now. However, the plans for the communal areas are final and it is appropriate to impose a condition to secure the finalised landscaping details.

The scheme proposes to remove a minimal number of trees/hedge sections, and these are required to facilitate the road/pedestrian access works or because the Tree Officer has agreed removal. The planting scheme more than compensates for this with a total of 269 new trees, 530 new hedge units, new woodland planting mix, scrub planting mix, and other individual plants. The layout contains a number of street trees and whilst there appear to be places on the central spine road where additional trees could be places, these would interfere with drainage swales (shallow channels with gently sloping channels).

The Landscape Officer advises no objection to the landscaping proposals provided that a condition is imposed to secure the finalised details including the plot frontages. The Tree Officer raises no objection and has sanctioned the removal of Tree Group 5 as these trees are in poor condition and will adversely affect plot 42. Whilst there is some conflict with the ADG due to the lack of additional buffers to Root Protection Areas (RPAs), the Tree Officer is not insistent on this.

In summary, the proposal is acceptable in respect of landscaping and trees impact and in accordance with the relevant policies.

## PUBLIC OPEN SPACE (POS) AND PLAY:

ALP policies OSR DM1 and HWB SP1 are relevant to the consideration of POS and play provision. The Council's supplementary planning document (SPD) for 'Open Space, Playing Pitches, Indoor and Built Sports Facilities' (January 2020) sets out specific requirements for on-site POS and play provision. The comments of the council's Landscape Officer are relevant to this matter.

The SPD sets out an overall requirement of 7,838m<sup>2</sup> of POS and Play provision to include a LAP (100sqm), a LEAP (400sqm) and a Trim Trail (in lieu of a Neighbourhood Equipped Play area or NEAP). The submission clearly demonstrates that 10,790m<sup>2</sup> of useable POS is to be provided and this includes the required play area provision (but excludes the drainage attenuation ponds). The Council's Landscape Officer is happy with the POS provision but has not yet been able to agree the play provision and so this aspect will be reserved to a condition. The wording on Outline condition 6 as amended by P/20/25/NMA allows for these details to be secured by condition.

It is positive that whilst the majority of the POS is on the western edge, the scheme shows POS on the eastern edge (close to the road) and within the centre of the site. This ensures that all residents have easy access to natural areas which will be positive for their health and wellbeing. The submission is in accordance with the relevant policies.

## OTHER RELEVANT MATTERS:

### (A) Heritage:

There are two Grade II Listed Buildings in close proximity to the site. The curtilage of Rookery

Farmhouse is around 43m from the site boundary whilst the Nyetimber Windmill is even closer at around 5m. Arun Local Plan (ALP) policy HER SP1 states development likely to prejudice heritage assets and their settings will be refused. Policy HER DM1 requires that proposals protect and, where possible, enhance the setting of Listed Buildings.

Guidance in the NPPF sets out steps that must be followed when considering impact on heritage assets. Paragraph 207 requires applicants to describe the significance of heritage assets affected, including any contribution made by their setting. Paragraph 208 then requires Local Planning Authorities (LPA) to identify and assess the particular significance of the heritage asset that is affected by a proposal. The LPA must consider the level of harm associated with the proposal and decide whether there is no harm, 'less than substantial harm' or 'substantial harm'. Where 'less than substantial harm' is identified then this must be balanced against the level of public benefits associated with the proposal (as set out in para 215).

Heritage was thoroughly considered at the outline application stage and the Inspector stated: "The development may or may not block views from the farmhouse to the windmill depending on the scale and layout of housing. Even if it did, given the limited intervisibility and absence of any specific relationship, the level of harm to significance would be low. The illustrative masterplans and the proposed conditions would provide a development-free zone next to the windmill, which would enable views of the building to be retained from both the road and the site. This would limit any adverse effect of the development on the significance of the listed windmill. In summary, any harm to the significance of the listed buildings would be minor and less than substantial. In line with NPPF paragraph 202, such harm should be weighed against the public benefits which takes place in the planning balance below."

Outline condition 4 was designed to ensure that there would be a 'development free zone' in the south-eastern corner in order to maintain a sight line of the Grade II listed Nyetimber Windmill from Pagham Road. This has been achieved by the layout and the Conservation Officer raises no objections to the scheme and repeats his previous advice that the proposal only results in 'less than substantial harm' (at the lower end of the scale) to Nyetimber Windmill and no harm to Rookery Farmhouse. The Inspector previously determined that the 'less than substantial' harm would be outweighed by the significant public benefits arising from the proposal. It is accepted that the proposal is for 95 homes whereas the outline application was for up to 106 however, the benefits will still be significant and more than sufficient to overcome the level of harm.

The public benefits and the mitigation measure (development free zone) are such that the balancing exercise finds that the harm to designated heritage assets can be outweighed by the benefits in favour of the development. There is no conflict with ALP policies HER DM1 or HER SP1.

#### (B) Housing Mix:

ALP policy H DM1 requires a mix of housing to meet local needs and for all housing development to provide a mix of dwelling types and sizes to address this need and demand. The policy acknowledges that the final mix will be negotiated on a site-by-site basis, having regard to the most up to date Strategic Housing Market Assessment (SHMA).

Paragraph 63 of the "Updated Housing Needs Evidence" (September 2016) stated the evidence highlights a direction towards the provision of 2 and 3 bed units for market units and smaller affordable units. Table 29 identifies a suggested broad mix of market housing by size for the District:

- 1-bed dwellings: 5-10% of all dwellings.
- 2-bed dwellings: 40-45% of all dwelling.
- 3-bed dwellings: 35-40% of all dwellings; and

- 4+ bed dwellings: 10-15% of all dwellings.

The affordable housing mix (in terms of bedroom size) was not set by the outline permission and the affordable housing comments at outline stage requested that the mix also be in accordance with the SHMA. Table 29 of the 2016 report sets out separate suggested mixes for shared ownership (SO) and affordable rented (AR) accommodation.

The market housing conflicts with Table 29 in that there are zero 1-bed market dwellings, 21% of the market only mix is 2-bed, 59% is 3-bed and 20% is 4-bed. The affordable housing mix comprises: 8 x 1-bed AR, 8 x 2-bed AR, 2 x 3-bed AR, 1x4-bed AR. Meanwhile all of the SO (including First Homes) have 2 beds. The affordable mixes conflict with Table 29.

The Council's Affordable Housing Manager did not respond to the consultation request nor to any subsequent written requests. Given this it would be difficult to justify a refusal on grounds of the affordable housing mix. In respect of the market mix, the applicants have provided a Market Analysis and Justification for their chosen mix which states:

- The Updated Housing Needs Evidence (2016) is 8 years old (now 9 years) and is out of date based on current market demands and trends.
- Reflective of the policy, family accommodation is provided for both the private and affordable tenures and the smaller unit sizes (1 - 3 bedrooms) dominate the scheme; and
- A one bed apartment building was rejected for several reasons including the reduction in demand for such, a surplus of flats on the market, and the preference for freehold and outdoor space.

It is material that H DM1 allows for the mix to be negotiated on a site-by-site basis, and this does not need to be in complete accordance with the latest SHMA. Despite the issues set out above, there is no conflict with the Policy itself.

Arun has an agreed internal policy on the provision of housing accommodation to provide for an ageing generation ("Accommodation for Older People and People with Disabilities", 2020). It has some weight as a material planning consideration and is supported by references in ALP policies D DM1 & D DM2. It requires that at least 48 of the homes (50%) are designed to the M4(2) standard, and that 2 are designed to meet M4(3) i.e. be wheelchair accessible.

The scheme shows 48 M4(2) homes and 4 M4(3) homes therefore complies with the Policy, and it is also positive that these are distributed across the site and between tenures).

#### (C) Residential Amenity & Space Standards:

ALP policies D DM1, D DM2 and QE SP1 are relevant. The ADG sets out guidance on interface distances between houses:

- Back-to-back: min. 21m between habitable rooms of properties or to existing buildings.
- Back/front to side: min. 14m between habitable rooms and side gable of adjacent property (technically, there is no stated requirement for front to side, but the impact is the same therefore it is appropriate to consider this).
- Front to front: min. 16m between habitable rooms and site boundary to existing landscaping.
- Front gardens should provide a minimum of 2m defensible space; and
- The rear gardens of residential houses should be at least 10.5m deep.

At the pre-application stage, several concerns were raised regarding the relationship of the proposed houses in the southern area with the existing mobile homes on the Mill Farm Estate. The existing mobile

homes are sited very close to the shared boundary and do not have rear gardens of a depth traditionally associated with brick-built houses. The mobile homes are by their very nature raised above the ground (by around 0.5-0.6m) and this makes their windows more susceptible to overlooking by the first-floor windows of a house. Mill Farm has been visited to assess the impact on the most affected properties and this visit also revealed instances of open boundaries (i.e. gaps in hedges/low fences).

Unfortunately, when the application was submitted, the same concerns highlighted during the pre-application response persisted and no changes had been made to resolve the issues. The applicant has since worked with the LPA to overcome the issues through the use of obscure glazing, elevation changes and additional landscaping. All of the particular issues identified in the course of the application assessment are now considered satisfactorily resolved and the following is a list of the issues and how they have been resolved:

- The southern elevation of plots 36/37 (containing First Floor (FF) bed, bath, kitchen windows) to the rear of 22 Mill View Close is only 13.8m (should at least 16m but preferable greater due to being a front to rear arrangement) - this is ok on the basis that the existing hedge is retained (a condition will enforce this).
- The front of plots 33/34 (containing FF bed, bath, kitchen windows) to the rear of 7 Old Barn Close is 15.7m or 12.6m to its conservatory (should be 16-21m) - this is ok as the windows are proposed to be obscure glazed (O/G)
- The flank of plot 21 (FF landing/bath window) to the rear of 23 Mill Close is 12.8m (14m) - this is ok on the basis that the existing hedge is retained (a condition will enforce this).
- The rear of plot 29 (FF bath/bed windows) to the rear of plots 33/34 (FF landing window) is 13m (21m) - this will be ok provided that 34's landing window is O/G.
- The rear of plots 33/34 (FF landing window) to the rear of plot 30 (2 FF bed windows) is only 12.3m (21m) - this will also be ok provided 34's landing window is O/G.
- The rear of plot 35 (which has a FF bathroom window) to rear of plots 26/27 (2 FF bed windows) is only 12.1-13.1m (21m) - this will be ok provided 35's bathroom window is O/G.
- The rear of plots 36/37 (FF rear landing window) to the rear of plot 25 (FF 2 x bed, 1 bath windows) is only 16-16.6m (21m) - this will be ok provided 37's landing window is O/G.
- The rear of plot 10 (2 FF bed windows) to the rear of plot 12 (has no FF rear windows) is only 10.5m - there is no window to window overlooking so this is ok.
- The rear of plot 8 (2 x FF bed windows) to the rear of plot 13 (FF bath window) is only 13.2m (21m) - this will be ok provided 13's bath window is O/G.
- The rear of plots 14/15 (2 x FF bed windows) to the rear of 8 Mill View Close is 16-17.2m (14.5m to the edge of 8's conservatory) compared to the 21m requirement - this is now ok as 14/15 have now been moved northwards to increase the distance to 18/19m (16.5m to the conservatory) and additional pleached trees (trees that have been trained to form a screen of branches and foliage on a single, straight stem) will be planted outside of the rear boundary fence which together with hedge proposals will provide screening.
- The rear of plot 21 (FF 2x bed windows) to the side of plot 37 (FF lounge window) is 12m (14.5m) - this is now ok as the side window has been relocated to the rear (and shown as full size but obscure glazed below an internal floor to ceiling height of 1.7m). The other FF window has to be obscure glazed for other reasons and so this solution will increase natural light entering the room but prevent views out at normal eye level; and
- The front of plot 12 (FF lounge) to the front of plot 18 (FF bed window) is only 13m (16m) - this is now ok as the windows originally shown to serve bedrooms 1 and 2 have now been replaced with oriel windows (with one half to be fixed and obscured glazed), restricting direct views towards plot 18. In addition, the first-floor window on the front elevation originally shown to serve the living room has been removed.

The above solutions alongside the proposed landscaping will ensure that the amenities of the Mil Farm

residents are sufficiently protected. Whilst there will still be some issues in respect of the relationships between proposed dwellings, buyers will be aware of such issues on purchase, and it is more important to protect existing amenities than completely prevent any issues for new occupiers. The ADG is guidance not policy. There are no other concerns with the proposed layout and no concerns with the relationship to the houses to the north even when taking account of recent planning permissions to those properties. Crucially, the properties closest to these are both side on (plots 77 and 81) and the flank windows in these are all obscure glazed.

The site levels drawing shows that there will be some increases between the existing ground levels and finished floor levels. However, along the southern part of the site, these increases are to a maximum of around 0.3m and this is typical of new developments. The levels increases do not necessitate the need for additional mitigation.

In terms of garden depths, the layout is almost entirely in accordance with the ADG standards with all rear gardens at least 10m and generally in excess of the 10.5m requirement. Plot 80's garden is only 9.9m but as with the instances of 10m deep gardens, this is acceptable on the grounds that the ADG is guidance and allows for flexibility.

As per ALP policy D DM2, it is necessary to assess the proposal against internal space standards set out in the Governments Technical Housing Standards (NDSS) to determine if the buildings will be suitable for future residential occupiers. The floorplans of each house have been cross referenced with the NDSS, and the minimum gross internal floor areas of the houses clearly meet the standards.

Overall, then whilst there remain conflicts with the ADG in terms of interface distances and garden depths, these have either be mitigated or are otherwise acceptable having regard to the guidance status of the ADG. There are no conflicts with ALP policies D DM1 or QE SP1.

#### (D) Parking, Roads, and Public Footpaths:

ALP policy T SP1 seeks to ensure development provides safe access on to the highway network; contributes to highway improvements (where appropriate) and promotes sustainable transport. Schemes should accommodate the efficient delivery of goods and supplies; give priority to pedestrian and cycle movements, be accessed by high quality public transport facilities, create safe and secure layouts for traffic, cyclists and pedestrians and provide appropriate levels of parking. Policy T DM1 requires new development ensure ease of movement and prioritise safe pedestrian and cycle access. Both the Arun Parking Standards SPD and the ADG contain guidance relevant to highway layout and parking.

As per the outline permission, the vehicular access is from Pagham Road on the eastern boundary of the site and there is then a separate pedestrian link in the south-eastern corner. WSCC Highways initially requested alterations to the layout but had no concerns with the vehicle and pedestrian access points. The alterations have been duly made, and Highways now advise no objection subject to a condition.

According to the Parking Standards SPD, the development requires 205 allocated spaces and 19 visitor spaces (224). The proposed provision is 244.5 allocated and 19 visitor spaces (263.5). The Parking Standards SPD states garages of at least 3m x 6m are to be treated as half a space each and this explains where the 0.5 space has come from (as there are 61 garages meeting the minimum size requirement). All of the other (non-garage) parking spaces measure 2.5 by 5m which accords with the separate requirement in the ADG. The parking provision exceeds the requirements and accords with policy.

The Parking SPD requires that layouts include parking spaces suitable for disabled people and that this should be consistent with guidance in "Manual for Streets" (which requires that 5% of all spaces are

suitable). Initially the scheme was deficient in this regard, but changes have been made to show 14 M4(3) parking spaces, 10 of which are for visitors and the other 4 to serve the M4(3) dwellings.

The proposal is in accordance with the policies set out above and with the guidance in the ADG and SPD.

(E) Waste Management:

ALP policy WM DM1 is relevant but there are no issues with refuse vehicles accessing the site from Pagham Road, and the application is supported by refuse vehicle tracking (to which WSCC raise no concerns) as well as details of individual bin storage and collection points. The application achieves sufficient provision for the storage of waste and kerbside collection is possible for all of the houses. Overall, the development accords with policy WM DM1 of the ALP.

(F) Surface Water Drainage:

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

This is strictly a separate matter as drainage is covered by conditions on the outline planning permission and will be agreed through the discharge of such conditions. The applicant provided drainage information and WSCC Drainage have assessed the drainage scheme in order to determine whether the amount and location of development is realistic having regard to the drainage requirements.

The submission proposes to collect surface water from the buildings via rainwater downpipes and then the permeable paving sub-base within the road before discharging into attenuation basins 1 and 2. Water from the road and other hard surfaces will collect in either the conveyance swales on the side of the spine road or into the permeable sub base under the roads and then discharge to attenuation basin 2. A hydrobrake flow control system will then restrict the peak discharge into the ditch on the western boundary (from the attenuation basins) to the agreed greenfield run-off rate of 5.08l/s with any excess water backing up into the attenuation basins. The water will be treated through each stage to disperse any contaminants. The attenuation basins will also allow any particles to sink.

WSCC Drainage state no objection to the drainage strategy. They note that infiltration has been proven to not be viable and so water will be discharged to the neighbouring watercourse at greenfield rates. They state there is sufficient room in the layout to accommodate the drainage attenuation requirements. On this basis, there is no conflict with ALP policy W DM3.

(G) Biodiversity & Net Gain:

ALP policy ENV DM5 states development schemes shall seek to achieve a net gain in biodiversity and protect habitats on site. The outline application was received prior to the introduction of statutory Biodiversity Net Gain (BNG) and so there is no requirement for statutory 10% BNG. However, per policy ENV DM5, it is still necessary to demonstrate a net gain.

The Council's Ecologist initially requested further information regarding wildlife mitigation and enhancement measures. However, further information has now been provided, and the Ecologist has withdrawn his concerns. No additional conditions are recommended (beyond those imposed on the Outline). The Ecologist's second response noted the following:

- The Landscape Management plan has been updated to reflect previous comments regarding management of wildflower meadows and native hedges.



- The planting plans and species mixes for the areas of ecological enhancement contain a good mix of native species beneficial to nature.
- The plans show that the attenuation basins will be planted with a wet grass mix which will provide good natural habitat.
- A mix of ecological features are included in the proposals.
- The provision of nest and bat boxes has been revised and increased significantly which is welcomed.
- Bat box provision has increased from 3 to 30.
- Nest Box provision has been increased from 6 to 36 universal nest bricks and 13 specialised/terrace boxes.
- Reptile hibernacula and insect houses have been increased from 1 to 2; and
- Hedgehog gaps in fences are also confirmed.

The submission provides a suitable scheme of lighting to ensure that the wildlife buffer areas remain dark areas. In the Ecologist's first set of comments, he stated the proposed lighting is good and meets the recommendations of the Institution of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Obtrusive Light" (GN01:2011) and.

"Bats and Artificial Lighting at Night" (GN08 2023). For completeness, it is also noted that ADC's Environmental Health Officer raises no concerns with the lighting scheme.

The scheme now provides an appropriate amount of wildlife enhancements and therefore results in biodiversity net gain. The application is thus in accordance with ALP policy ENV DM5.

(H) Impact on the Pagham Harbour Special Protection Area (SPA):

The site lies in the 0.4-5km Zone B buffer area of the Pagham SPA and ALP Policy ENV DM2 states that all new residential development in this zone which is likely to have an impact on Pagham Harbour will be required to make developer contributions or create easily accessible new green spaces for recreation within or adjacent to the development site.

The Council has an agreed mitigation scheme for applications within the Zone B area and this requires the payment of a contribution towards the agreed mitigation scheme (which covers site wardening, a dog project, signage/interpretation, and monitoring). This payment was secured by the s106 agreement associated with the outline permission and so there is no conflict with Policy ENV DM2. This position was checked by the Planning Inspector, in consultation with Natural England, when the Outline appeal was determined. This satisfied the separate requirement for a Habitats Regulation Assessment.

Recent case law from the Appeal Court (2024) determined it may be necessary to apply the Habitat Regulations at each stage of a decision (such as at reserved matters stage as well as at the outline). However, it is clear from the RM submission that there are no new impacts that had not previously been accounted for (i.e. no new loss of vegetation or habitat) and that there has been no change in policy relating to the SPA. A further appropriate assessment is, therefore, considered unnecessary.

#### SUMMARY:

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

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

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

#### DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

#### COMPLIANCE WITH SECTION 106 DETAILS

The submitted Planning Statement includes a "Statement of Conformity with S106 for Outline Permission" which sets out that there are no conflicts between the reserved matters submission and the s106 agreement.

#### CIL DETAILS

The site is in CIL Zone 5 and is liable for a CIL payment with 15% of the total being allocated to the Parish Council.

#### RECOMMENDATION

APPROVE CONDITIONALLY

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

- Location plan LP.01 Rev A.
- Site Layout - BARG230419 SL.01. Rev K.
- Site Layout Colour - BARG230419 SE.01 Rev C.
- Affordable Housing Layout - BARG230419 AHL.01. Rev J.
- Boundary Material Layout - BARG230419 BML.01. Rev J.
- Dwelling Material Layout - BARG230419 DML.01. Rev J.
- Parking Strategy Layout - BARG230419 PSL.01. Rev J.
- Coloured Street Elevations - BARG230419 SE.01 Rev C.
- Colour Landscape Masterplan D3322-FAB-OO-XX-DR-L-5000 Rev PL05.

- Legend, Plant Schedule & General Specification Notes: D3322-FAB-OO-XX-DR-L-1000 Rev PL05.\*
- Soft Landscape General Arrangement Plan - 1 of 6: D3322-FAB-OO-XX-DR-L-1001 Rev PL04.\*
- Soft Landscape General Arrangement Plan - 2 of 6: D3322-FAB-OO-XX-DR-L-1002 Rev PL04.\*
- Soft Landscape General Arrangement Plan - 3 of 6: D3322-FAB-OO-XX-DR-L-1003 Rev PL04.\*
- Soft Landscape General Arrangement Plan - 4 of 6: D3322-FAB-OO-XX-DR-L-1004 Rev PL04.\*
- Soft Landscape General Arrangement Plan - 5 of 6: D3322-FAB-OO-XX-DR-L-1005 Rev PL04.\*
- Soft Landscape General Arrangement Plan - 6 of 6: D3322-FAB-OO-XX-DR-L-1006 Rev PL05.\*

\* These drawings are only approved insofar as they show details of the new tree planting, the woodland planting mixes and new native scrub.

- House Type 2x1m - Option 3 Elevations HT.2x1m.E3 Rev B (Plots 36 & 37).
- House Type 2x1m - Option 3 Floor Plans HT.2x1m.P3 Rev B (Plots 36 & 37).
- Plots 78-80 (House type 2.1/2X1M) Floor Plans, P.78-80.p Rev B.
- Plots 78-80 (House type 2.1/2X1M) Elevations P.78-80.e Rev B
- House Type 2x1m - Option 1 Floor Plans HT.2x1m.P1 Rev D.
- House Type 2x1m - Option 1 Elevations HT.2x1m.E1 Rev C.
- House Type 2x1m - Option 2 Floor Plans HT.2x1m.P2 Rev C.
- House Type 2x1m - Option 2 Elevations HT.2x1m.E2 Rev C.
- House Type 2BFOG - Variation 1 - Elevations HT.2bFOG-1.E Rev C.
- House Type 2BFOG - Variation 1 - Floor Plans HT.2bFOG-1.P Rev C.
- House Type 2BFOG - Variation 2 - Elevations HT.2bFOG-2.E Rev C.
- House Type 2BFOG - Variation 2 - Floor Plans HT.2bFOG-2.P Rev C.
- House Type 2B M4(3) - Floor Plans HT.2B\_M43(3).P Rev A.
- House Type 2B M4(3) - Variation 1 Elevations HT.2B\_M4(3)-1.E Rev A.
- House Type 2B M4(3) - Variation 2 Elevations HT.2b M4(3)-2.E Rev B.
- House Type 3.2 - 2 Block Floor Plans HT.3.2 (2blk).P Rev A.
- House Type 3.2 - 2 Block Variation 1 Elevations HT.3.2(2blk)-1.E Rev A.
- House Type 3.2 - 2 Block Variation 2 Elevations HT.3.2(2blk)-2.E Rev A.
- House Type 4.1 - 2 Block Elevations HT.4.1 (2blk).E Rev B.
- House Type 4.1 - 2 Block Floor Plans HT.4.1 (2blk).P Rev C.
- House Type A - Floor Plans HT.A.P Rev D (Plot 12).
- House Type A - Elevations HT.A.E Rev C (Plot 12).
- House Type B - 2 Block Elevations HT.B(2blk).E Rev A.
- House Type B - 2 Block Floor Plans HT.B(2blk).P Rev A.
- House Type B - 3 Block Elevations: HT.B (3blk).E Rev C.
- House Type B - 3 Block Floor Plans: HT.B (3blk).P Rev C.
- House Type C - 2 Block - Variation 2 Elevations HT.C(2blk)-2.E Rev A.
- House Type C - 2 Block - Variation 2 Floor Plans HT.C(2blk)-2.P Rev A.
- House Type C - 3 Block Elevations HT.C(3blk).E Rev A.
- House Type C - 3 Block Floor Plans HT.C(3blk).P Rev A.
- House Type C - 2 Block Variation 1 - Elevations: HT.C (2blk).1.E Rev B.
- House Type C - 2 Block Variation 1 - Floor Plans: HT.C (2blk).1.P Rev B.
- House Type J - (Block Of 2) Elevations: HT.J (2blk).E Rev B.
- House Type J - (Block Of 2) Floor Plans HT.J(2blk).P Rev A.

- House Type K - 2 Block Floor Plans HT.K(2blk).P Rev A.
  - House Type K - 2 Block Elevations Option 1 HT.K(2blk)-1.E Rev A.
  - House Type K - 2 Block Elevations Option 2 HT.K(2blk)-2.E Rev A.
  - House Type K - Elevations HT.K.E Rev A.
  - House Type K Floor Plans HT.K.P Rev B.
  - House Type K Elevations P.54.E Rev A (Plot 54).
  - House Type K Elevations P.45.E Rev A (Plot 45).
  - House Type K Floor Plans P.45.P Rev A (Plot 45).
  - House Type K Floor Plans P.54.P Rev A (Plot 54).
  - House Type K1 - 2 Block Elevations HT.K1(2blk).E Rev A.
  - House Type K1 - 2 Block Floor Plans HT.K1(2blk).P Rev A.
  - House Type L - Floor Plans HT.L.P Rev A.
  - House Type L - Variation 2 Elevations HT.L-2.E Rev A.
  - House Type L - Variation 1 Elevations HT.L-1e Rev A
  - House Type L - 2 Block Elevations: HT.L (2blk).E Rev B.
  - House Type L - 2 Block Floor Plans: HT.L (2blk).P Rev B.
  - House Type L-A - Variation 1 - Floor Plans: HT.L-A-1p Rev B.
  - House Type L-A - Variation 2 Elevations: HT.L -A-2.E Rev B.
  - House Type L-A - Variation 1 Elevations: HT.L-A-.1.E Rev B.
  - House Type L-A - Variation 2 Floor Plans: HT.L -A-2.P Rev B.
  - House Type L-B - Elevations: HT.L -B.E Rev B.
  - House Type L-B - Floor Plans: HT.L -B.P Rev B.
  - House Type M - Elevations: HT.M.E Rev B.
  - House Type M - Floor Plans: HT.M.P Rev B.
  - House Type P - Elevations HT.P.E Rev A.
  - House Type P - Floor Plans HT.P.P Rev A.
  - House Type P-A - Elevations HT.P-A.E Rev A.
  - House Type P-A - Floor Plans HT.P-A.P Rev A.
  - House Type R - 2 Block Elevations Barg230419 HT.R(2blk).E Rev A.
  - House Type R - 2 Block Floor Plans Barg230419 HT.R(2blk).P Rev A.
  - House Type R-B (HT.R/B) Floor Plans HT.R/B.P Rev B (Plots 55-57).
  - House Type R-B (HT.R/B) Elevations HT.R/B.E Rev B (Plots 55-57).
  - House Type S - Elevations: HT.S.E Rev B.
  - House Type S - Floor Plans: HT.S.P Rev B.
  - House Type S-A Elevations: HT.S-A.E Rev B.
  - House Type S-A Floor Plans: HT.S-A.P Rev B.
  - House Type T-A - Elevations HT.T-A.E Rev A.
  - House Type T-A - Floor Plans HT.T-A.P Rev A.
  - House Type U - Elevations HT.U.E Rev A.
  - House Type U - Floor Plans HT.U.P Rev A.
  - House Type V Elevations: HT.V.E Rev B.
  - House Type V Floor Plans: HT.V.P Rev B(P2).
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- Electric Sub-Station Plan And Elevations ESS.01.PE Rev A.
  - Single Garage Floor Plan And Elevations GAR.01.PE Rev A.
  - Double Garage Elevations - Type 2 Floor Plan And Elevations GAR.02-1.PE Rev A.
  - Double Garage - Type 2 Floor Plan And Elevations GAR.02-2.PE Rev A.
  - Quadruple Garage - Type 1 Floor Plans And Elevations GAR.03-1.PE Rev A.
  - Quadruple Garage - Type 2 Floor Plan And Elevations GAR.03-2.PE Rev A.
  - Garden Shed/Cycle Store Plan & Elevations Shed.01.PE Rev A.
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- Proposed Site Contours (Basin Option 2) MBSK241003-02 Rev.P5 (not insofar as it relates

- to drainage features as these are subject to separate assessment by discharge of condition).
- Proposed Road & Basin Contours (Preliminary (Basin Option 2) MBSK241017-01 Rev P4 (not insofar as it relates to drainage features as these are subject to separate assessment by discharge of condition).
  - Development Overlaid on Topo Survey MBSK241003-01 Rev P5 (not insofar as it relates to drainage features as these are subject to separate assessment by discharge of condition).
  - 2.4 x 25m Internal Visibility Splays MBSK241016-01 Rev P5.
  - Road Widths Around Site MBSK241016-02 Rev P5.
  - Forward Visibility Splays MBSK241016-03 Rev P5.
  - Swept Path Analysis Refuse Vehicle Around Site MBSK241016-TK01 Rev P5.
  - Swept Path Analysis Fire Tender Vehicle Around Site and Distances to Front Doors MBSK241016-TK02 Rev P5.
- Landscape Management Strategy Framework D3322-FAB-00-XX-SP-L-3000 PL06.
  - Lighting Assessment Report - 19.3.2025 (784-B069383, Issue 1); and
  - Arboricultural Assessment & Method Statement March 2025 (9831AA+AMS - Rev B).

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

- 2 All ecological mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Landscape Management Strategy Framework D3322-FAB-00-XX-SP-3000 (March PL06) as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.

This shall include the appointment of an appropriately competent person e.g., an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve and enhance protected and Priority species and allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended), s40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species), and Arun Local Plan policy ENV SP1.

- 3 All activity at the site is to be carried out in strict accordance with the Arboricultural Assessment & Method Statement, by FPCR Environment & Design Ltd., Rev B. 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.

Reason: To comply with BS5837:2012 and to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised, and they can continue to enhance the landscape and amenity of the area in accordance with Arun Local Plan policies ENV DM4 and D DM1.

- 4 No development/demolition/levels changes (apart from any survey works required by other conditions) shall take place and no heavy plant shall be introduced to the site, unless and until written confirmation (supported by photographic evidence) is provided by the Arboricultural Expert representing the site owner(s), to the Local Planning Authority for approval in writing that all protective fencing has been erected and positioned exactly as described and illustrated

on Tree Protection Plan 9831-T09 (and -T10, -T11, -T12, -T13, -T14, -T15) Rev B.

Reasons: To comply with BS5837:2012 and ensure the retention of trees which are an important feature of the area, in accordance with Policy D DM1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition as the protection and retention of trees goes to the heart of the planning permission.

- 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 full\* landscaping scheme including details of new soft landscaping. 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.

\* With the exception of the new tree planting, the woodland planting mixes and new native scrub which has been approved by the plans listed in condition 1.

Reason: In the interests of amenity and of the environment of the development in accordance with Arun Local Plan policy D DM1.

- 6 None of the dwellings shall be occupied unless and until full details of the public open space (POS) and associated management arrangements have been submitted to and approved in writing by the Local Planning Authority. The POS shall thereafter be implemented in accordance with the details as agreed through the discharge of condition (or any subsequent variation application) prior to occupation of the 48th dwelling and permanently retained thereafter. The approved details shall then be permanently adhered to.

Reason: To ensure POS is provided and that a management regime is established in accordance with Arun Local Plan policy OSR DM1.

- 7 None of the dwellings shall be occupied unless and until full details of the proposed public play provision and associated management arrangements have been submitted to and approved in writing by the Local Planning Authority. The detailed design shall include the equipment mix to be provided to encourage all relevant ages and abilities to enjoy the areas safely. It should detail how each area is inclusive and accessible. It should include a range of play experiences such as natural play space, swinging, spinning, climbing, bouncing and sensory provision. Details shall be provided on the robustness of materials to be used, their life expectancy, types of safety surfacing and whether fencing and gates are proposed. Detail should also be provided on the ancillary items to be provided such as number and location of bins, seating areas, bike storage and boundary treatments. The play provision shall thereafter be implemented in accordance with the details as agreed through the discharge of condition (or any subsequent variation application) prior to occupation of the 48th dwelling and permanently retained thereafter. The approved details shall then be permanently adhered to.

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

- 8 No dwelling shall be first occupied until plans and detail showing the provision of dropped kerbs and tactile paving at all pedestrian crossing points within the development have been submitted to and approved in writing by the Local Planning Authority. The details once approved shall thereafter be implemented in accordance with the approved details.

Reason: In the interests of road safety and to ensure suitable pedestrian crossing facilities in accordance with Arun Local Plan Policies T DM1 and T SP1.

- 9 None of the dwellings hereby approved shall be occupied unless and until the applicant/developer supplies a certificate confirming the agreement of the Royal Society for the Prevention of Accidents (RoSPA) for the proposed LAP play area on the southern side of the drainage attenuation pond. The submission shall include details of any physical changes, if necessary, for approval in writing by the Local Planning Authority prior to occupation.

Reason: In the interests of amenity and safety in accordance with policies D DM1 and OSR DM1 of the Arun Local Plan.

- 10 No part of the existing hedgerow south of plots 1, 14-20, 21, 33/34, 35, 36/37 and 38-42 shall be damaged, uprooted, felled, or pruned below a height of 2m without the prior written consent of the Local Planning Authority. Any hedgerow removed without such consent or which becomes severely damaged or seriously diseased or dying in the future shall be replaced with a hedgerow of such size and species as may be agreed with the Local Planning Authority to ensure that the existing boundary landscaping is retained in perpetuity.

Reason: To ensure the retention of existing landscaping important to provide screening to the residents of the Mill Farm Estate in accordance with Arun Local Plan Policies D DM1 and QE SP1.

- 11 The following listed windows shall at all times be glazed with obscured glass to a level equivalent to Pilkington Level 3 or nearest equivalent standard and be non-openable below 1.7m above finished floor level.

- The first floor front (southern) and rear (northern) windows of plots 33/34 (serving bathroom, kitchen and stairs)
- The first floor bathroom window in the southern flank of plot 21.
- The first floor bathroom and living room windows in the northern elevation of plot 35.
- The first floor landing window in the northern elevation of plots 36/37
- The glass in the first floor window below a height of 1.7m above finished floor level, within the eastern flank elevation of plots 36/37.
- The first floor bathroom and lounge windows in the rear (northern) elevation of plot 13; and
- All other bathroom/en-suite/toilet windows.

These arrangements shall be permanently retained thereafter.

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

- 12 Notwithstanding the provisions of Parts 1 & 20 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (as amended) (or any Order revoking or re-enacting this Order) no future dormer/roof extensions/roof alterations to plots 1, 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 25, 26, 27, 30, 31, 33, 34, 35, 36/37, 38, 39, 40, 41 or 42 as approved shall be constructed unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: (a) To maintain adequate interface standards to the existing mobile homes and minimise any future loss of privacy due to windows added at 3rd storey level; and (b) To minimise any future loss of privacy between proposed dwellings and gardens within the layout due to windows added at 3rd storey level; both in accordance with Arun Local Plan policies D DM1 and QE SP1.

- 13      INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 14      INFORMATIVE: All conditions on the outline (as amended by P/20/25/NMA) that require agreement of details in writing (other than those requiring the submission of details with the RM application) will require separate applications to be submitted to discharge these conditions.