

Report following a request for further information, negotiations or consultation

REF NO: P/155/21/RES

LOCATION: Land West of Pagham Road
Pagham

PROPOSAL: Approval of reserved matters (layout, scale, appearance and landscaping) following outline consent P/140/16/OUT for the 'local centre' parcel which comprises of retail, community and commercial uses, 20 No residential apartments and a 70 bed care home.

The application was deferred by the Planning Committee on 28th April 2022 due to the height of the buildings, with it being clarified that these comments related specifically to the mass and bulk of the roofs.

In response to this the applicant has provided amended plans which have reduced the height of the buildings, with the reduction in height summarised below:

Building A - Reduced from approximately 13m to 10.5m (2.5m)
Building B - Reduced from approximately 13.2 to 11.3m (1.9m)
Building C - Reduced from approximately 13.2m to 11.3m (1.9m)
Care Home - Reduced from approximately 13.3m to 11.7m (1.6m)

These reductions have been achieved through the use of a mansard roof in lieu of the originally proposed pitched roof. The alterations to the design will not result in any conflict with any relevant development plan policies and as such the conclusions in regards to design remain unchanged.

The proposed conditions have been amended to include the updated drawing revisions.

REPORT UPDATE

Application No: P/155/21/RES

Reason for the Update / Changes

Reason for Update/Changes:

1. In response to the holding objection from the Council's Drainage Engineers a technical note was provided in response by the applicant. In response to this a further holding objection has been provided which is summarised below:

- The technical note responding to our comments does not address our comments.
- Please respond fully to our comments from the 14th December with calculations and high level drainage layouts.

2. A further letter of objection has been received from the Sussex Ornithological Society dated the 22nd April 2022. A summary is provided below:

- a) There is no firm plan to improve sewerage capacity which have been put forward for public inspection or comment. There should be no discharges of sewerage to Pagham Harbour SPA.
- b) Full surface water drainage details have not been provided in support of this application. The details which have been provided are insufficient.
- c) There is an absence of progress for a viable mitigation plan for brent geese. Without mitigation being implemented and demonstrated to work we will continue to oppose any development.
- d) The application contains no assessment of biodiversity net gain or loss.

3. The applicant provided amended plans for Block A with the ridge height being reduced. Out of courtesy to Pagham Parish Council a further consultation was sent on the 25th March. However, instead of 21 days this consultation allowed 37 days and as such the consultation period did not expire until the 30th April. Comments were received from Pagham Parish Council on the 27th April and these are summarised below:

The Heritage Impact Assessment

- Historic England contacted Arun District Council, during the determination of the outline planning application setting out the parameters for an acceptable Heritage Impact Assessment in relation to the original outline application. The same officer at Historic England has submitted a letter stating she has no further comments, the tests should also apply to the subsequent reserved matters application.
- The Parish Council would like to ensure this is a full heritage impact assessment. There is no commentary on the impact in different seasons and any differences in impact between day and night, as required in the 2017 letter. No account has been taken of other development proposed for the area.

Village Design Statement

- No account has been taken in this latest amended version of the plan of the Pagham Village Design Statement. This document is a material planning consideration and does not allow for 3 storey buildings in the Pagham Road area.

Brent Geese

- We are aware of the shortcomings of the mitigation measures put in place to compensate for the loss of foraging habitat for Brent Geese. The problems have been raised with Arun District Council by the

Sussex Ornithological Society and yet these issues have still not been addressed by the applicant or Arun District Council. Layout should not be finalised until the land required for mitigation has been proven to work.

- ADC should ensure that the newly-appointed Essex CC are provided with a copy of the Sussex Ornithological Society report in respect of foraging mitigation.

Drainage

- The Climate Central maps show that this land will flood once a year from 2030 onwards. The Parish Council expressed its concerns over the understanding of the developer of the way the drainage system works in the area, and it is not satisfied that the issues are fully resolved or understood. Layout should not be finalised until this is resolved.

Spine Road

- the Council would like to see a wider road. This does not allow for vehicles to easily pass.

Ecology Officer

- there is no response yet to the ecology report submitted by the applicant.

4. Whilst, comments have now been received from the Parish Council further consultees were advised of the changes. Whilst, no further comments are anticipated the recommendation should be amended as follows:

RECOMMENDATION: The recommendation is for the Planning Committee to delegate, to the Group Head of Planning in consultation with the Chair and Vice Chair, authority to grant planning permission subject to conditions following the expiry of the consultation period on the 30th April 2022.

Officers Comment:

1. Comments from the Council's drainage engineer are noted. However, the position remains as identified within the officer's recommendation report. It is considered that detailed drainage design will need to be resolved through the discharge of relevant conditions imposed on the outline approval. Should the layout be unable to facilitate the necessary drainage infrastructure then it would not be possible for the developer to commence development.

2. Comments from the Sussex Ornithological Society are noted. The following comments are provided in response to each of the matters raised:

a) Foul sewerage capacity - This matter was considered through the determination of P/140/16/OUT with condition 14 which requires the development to be phased to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate waste water network capacity is available to adequately drain the development.

b) Surface Water Drainage - Conditions 10, 11 and 12 imposed on P/140/16/OUT require submission of full drainage details for approval by the LPA prior to the commencement of development. These conditions will provide adequate certainty to ensure the surface water drainage system is functional and fit for purpose.

c) Brent Geese Mitigation - Condition 30 imposed on P/140/16/OUT requires submission of these details for approval prior to commencement. There is no requirement for the applicant to demonstrate or implement this mitigation at this time.

d) Ecology - Ecological impacts were considered through the approval of P/140/16/OUT with conditions and the S106 seeking to secure details of construction, environmental and landscape management. Given this matter has already been considered and adequately dealt with there was no requirement for

further consideration through this reserved matters application.

3. In response to the comments from the Parish Council the following comments are provided:

The Heritage Impact Assessment

- The heritage statement provided in support of the planning application accords with the requirements of the NPPF. A further assessment has been undertaken by the Council's Conservation Officer who has identified less than substantial harm (on the lower end of the scale) to the Parish Church of St. Thomas a Becket. In accordance with the NPPF this has been balanced against the benefits of the development and is acceptable. There is no further requirement in regards to the assessment of the impact of the proposals upon heritage assets.

Village Design Statement

- It is unclear as to what version of the Pagham Village Design Statement the Parish refer. However, the versions contained on the Arun District Council and Pagham Parish Council website are both dated November 2007. Having reviewed this document during determination and subsequently to the latest comments from the Parish it has not been possible to identify any prohibition of 3 storey development on Pagham Road.

It is identified on Page 15 of the Village Design Statement that under section '5. Church Lane & Church Farm' that development will be restricted to 1 or 2-storey buildings only. However, this section is identified as relating solely to Church Lane and Church Close. Therefore, the development as proposed would accord with the village design statement as this limitation is not relevant to the application site.

Brent Geese

- As identified elsewhere in the report Condition 30 imposed on P/140/16/OUT requires submission of these details for approval prior to commencement. There is no requirement for the applicant to demonstrate or implement this mitigation at this time.

Drainage

- The Parish Council have made reference to 'Climate Central' which is a 'science and new organisation' based in America who have an interactive map which shows areas threatened by sea level rise and coastal flooding. This mapping system features the following caveat in relation to this data:

"As these maps incorporate big datasets, which always include some error, these maps should be regarded as screening tools to identify places that may require deeper investigation of risk.

Outside of the United States, maps are based on global-scale datasets for elevation and tides in addition to sea level rise projections. For the 50 U.S. states, more accurate but still imperfect data are used.

Areas lower than the selected water level and with an unobstructed path to the ocean are shaded red..."

- Flood risk of the site was considered through the determination of P/140/16/OUT with pre-commencement Conditions having been imposed on the outline approval to secure details of drainage design. This has been set out in the officer's report and these conclusions remain unchanged.

Spine Road

- The spine road will measure 7.3m in width, with the roads within the local centre measuring approximately 6m in width. These are more than sufficient for the scale of development proposed.

Ecology

- As identified within the officer's report Condition 15 imposed on P/140/16/OUT requires the submission of an Ecological Management and Mitigation Plan. This is required to align with the Ecological Assessment that was submitted in support of the outline approval. In addition to this a further condition relating to lighting details has been included as part of this recommendation to ensure those details are considered and approved prior to commencement of development.

4. No comments.

Note: The changes to recommendation are as follows:

RECOMMENDATION: The recommendation is for the Planning Committee to delegate, to the Group Head of Planning in consultation with the Chair and Vice Chair, authority to grant planning permission following the expiry of the consultation period on the 30th April 2022.

Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report.

Recommendation Report for Approval of Reserved Matters Following Outline Approval

REF NO: P/155/21/RES

LOCATION: Land West of Pagham Road
Pagham

PROPOSAL: Approval of reserved matters (layout, scale, appearance and landscaping) following outline consent P/140/16/OUT for the 'local centre' parcel which comprises of retail, community and commercial uses, 20 No residential apartments and a 70 bed care home.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks reserved matters approval for layout, scale, appearance and landscaping for the Local Centre following outline approval P/140/16/OUT.
SITE AREA	3.91 hectares
RESIDENTIAL DEVELOPMENT DENSITY	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Mature trees are situated along the eastern boundary of the site adjacent to Pagham Road. Some additional screening is present along the northern boundary of the site, which also features a drainage ditch. The eastern and southern boundaries of the site are open.
SITE CHARACTERISTICS	The site comprises an open, flat agricultural field to the west of Pagham Road.
CHARACTER OF LOCALITY	Residential development is present to the east of the site with

Pagham Village Hall located to the north. The site is surrounded to the north and south by further agricultural fields with pasture located further to the east. The agricultural fields which surround the site form part of Pagham South strategic allocation.

RELEVANT SITE HISTORY

P/140/16/OUT	Outline application for access only - mixed use development comprising of up to 400 dwellings, a care home with up to 70 beds, a Local Centre comprising up to 2000sqm of A1/A2/A3/D1/sui generis floorspace, provision of land for a 1FE primary school (with sufficient space to ensure that it is expandable to 2FE), provision of land for a scout hut, safeguarding of land to help link the site to the Pagham Harbour Cycle Route & other community uses including public open space & allotments with some matters reserved.	App Cond with S106 22-11-18
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The site benefits from outline planning permission under reference P/140/16/OUT with all matters reserved save for access.

REPRESENTATIONS

PAGHAM PARISH COUNCIL - OBJECTION

- Views of St Thomas A Becket Church are not respected.
- Design is very poor - too much red brick and buildings too high.
- Lack of respect for the village design statement.
- Comments in respect of the Brent Geese mitigation land which falls outside the scope of this RM application and will be controlled through discharge of the relevant condition.
- Drainage as proposed will not work.

45 Letters of objection were received. A summary of which is set out below:

- Proposals will destroy habitat.
- Population is the problem and that is what should be addressed, not houses.
- The application should go through the whole planning process again.

In addition to the above the following matters were raised which fall outside the scope of what can be considered through the determination of this reserved matters application:

- Road are busy enough without having more traffic/pollution and strain on infrastructure.
- Proposals will adversely impact upon the nature reserve and the community with more flooding and traffic.
- Proposal allow for houses to built on agricultural land.
- Local road network is not fit for purpose.
- There is no local school.
- Southern Water do not have sufficient capacity to handle the waste that this development will produce.
- Proposals would constitute over development.
- Drainage is not fit for purpose.

- Development should be located elsewhere on Brownfield land.
- Residential development will impact upon tourism.
- Loss of Agricultural Land
- There is insufficient healthcare provision to meet the needs of the development.

SUSSEX ORNITHOLOGICAL SOCIETY

- Objects because of uncertainty about whether Southern Water can handle the increased foul water volumes that would result from this development, and the risk of increased sewerage overflows into Pagham Harbour SPA.
- Concern with the lack of progress in developing mitigation plans to compensate for the loss of Brent Geese foraging.

COMMENTS ON REPRESENTATIONS RECEIVED:

A number of representations have reference the Brent Geese Mitigation Strategy. However, this matter is the subject of condition and must be discharged prior to commencement of development. Therefore, this is not a matter for approval at this time and as such will need to be considered through the discharge of the condition.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

SUSSEX POLICE

General comments provided in respect of secured by design.

ECOLOGY

- The Ecological Survey Summary Report (2021) identified the presence of new protected species using the site, some of the key mitigation is requested here to ensure the effectiveness of the mitigation strategy.
- Request that the scheme provide information in respect of the design and installation of external lighting.
- A habitat enhancement strategy to mitigate for the loss of brent geese habitat for the development area, and enhance this zone for SPA bird species in line with Natural England Guidance.
- Construction Environmental Management Plan (CEMP) and Landscape and Management Plan (LEMP) should be provided.

WSCC HIGHWAYS

- A Stage One Road Safety Audit should be provided.
- Consideration should be given to the needs of the school site or school safety zone features.
- The raised features should be combined to create a single feature across the frontages of the school/community use.
- A servicing management plan should be secured through condition.
- It is unclear how the number of parking spaces to serve the care home has been derived. The transport statement and site layout refers to 5% of spaces being for disabled users. However, there is no disabled parking for residents or visitors of the care home.

WSCC HIGHWAYS FURTHER COMMENTS

- No objection subject to conditions relating to car parking, cycle parking, servicing management plan and construction of the access road.

WSSC FIRE AND RESCUE

- Condition requested to secure additional fire hydrant(s) for the proposed development.

ENVIRONMENT AGENCY

- No objection.

WSSC LEAD LOCAL FLOOD AUTHORITY

- No comments in respect of these reserved matters.

HOUSING STRATEGY AND ENABLING MANAGER

- Object to the application as it does not meet the Council's affordable housing requirements.

SOUTHERN WATER

- No objection to the reserved matters layout, scale, appearance and landscaping.
- The submitted drainage layout is acceptable to Southern Water.

NATURAL ENGLAND

- No objection - based on the plans submitted, it is considered that the proposed development will not have significant adverse impacts on designated sites and has no objection.

DRAINAGE ENGINEER

Holding Objection

- The proposed discharge rate is too high. The calculation of discharge rates should be based upon the positively drained area. Revised greenfield runoff rate calculations should be supplied.
- Ordinary watercourse land drainage consent is required for all new outfalls and for proposed culverts.
- FEH2013 rainfall data must be applied to calculations.
- Surcharged outfalls should be applied to calculations. The surcharged outfall levels should be set to adjacent top of bank level.
- A minimum of two perpendicular cross sections per basin must be supplied.
- We note that a number of trees are proposed in close proximity to drainage features. Root potential areas must not conflict with surface water drainage features.
- We would also like to highlight that a full winters groundwater monitoring will be required, even for an attenuation scheme. Peak groundwater level at attenuation features should be established and used in design to evidence that flotation is adequately accounted for in design.

ENVIRONMENTAL HEALTH

- Whilst there is no objection in principle to the proposed layout, scale, appearance and landscaping we anticipate further details of conditioned matters in relation to: External Lighting, Construction Management, Provision of Electric Vehicle charging points.

CONSERVATION OFFICER

- The development will not impact the setting of most of the listed buildings bar The Parish Church of St. Thomas a Becket, and as a consequence, there is no harm to the overall significance of the majority of the heritage assets. The impact to The Parish Church of St. Thomas a Becket is considered to be less than substantial harm, on the lower end of the scale.

COMMENTS ON CONSULTATION RESPONSES:

Comments in response to Ecology:

- A condition has been included as part of the recommendation to secure details of lighting and ensure no harm to bats.
- Existing conditions on the outline permission (P/140/16/OUT) and associated S106 will secure details of

construction, environmental and landscape management.

- The habitat enhancement strategy to mitigate for the loss of brent geese habitat will need to be dealt with through the discharge of Condition 30 on the outline permission. It is not a matter for consideration through the determination of this reserved matters application.
- A condition has also been imposed which requires trenches to be covered and pipes capped at night to ensure that mammals and other animals do not become trapped.

POLICY CONTEXT

Designation applicable to site:

DEVELOPMENT PLAN POLICIES

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

AHSP2	AH SP2 Affordable Housing
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ENVSP1	ENV SP1 Natural Environment
HDM1	H DM1 Housing mix
HDM2	H DM2 Independent living and care homes
HERDM1	HER DM1 Listed Buildings
HERSP1	HER SP1 The Historic Environment
HSP1	HSP1 Housing allocation the housing requirement
HSP2	H SP2 Strategic Site Allocations
HSP2A	HSP2a Greater Bognor Regis Urban Area
RETDM1	RET DM1 Retail development
TDM2	T DM2 Public Parking
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems

PLANNING POLICY GUIDANCE:

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

SUPPLEMENTARY POLICY GUIDANCE:

PDS	Pagham Parish Council's Village Design Statement by PaghamPC
SPD11	Arun Parking Standards 2020
SPD13	Arun District Design Guide (SPD) January 2021

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.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to comply with relevant Development Plan policies in that it results in a development of an appropriate scale, layout and appearance which is not harmful to the character & appearance of the area, the amenities of existing residents or the existing road and public footpath network.

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.

The proposal affects the setting of nearby Grade II Listed buildings and section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that: "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

The proposal is considered to comply with section 66 (1) and this has been considered in further detail in the conclusion below.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are/are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

The application seeks to secure reserved matters approval for appearance, landscaping, layout and scale. These are the only matters for consideration through the determination of this application. All other matters were considered through the granting of permission P/140/16/OUT with conditions included in relation to the following matters which will require discharge prior to the commencement of development:

- Materials and Finishes (Condition 5);
- Arboricultural Method Statement and Tree Protection Plan (Condition 9);
- Surface Water Drainage (Condition 10, 11 and 12);
- Foul Drainage (Condition 13);

- Ecology (Condition 15);
- Construction Management Plan (Condition 17);
- Employment and Skills Plan (Condition 20);
- Climate Change and Renewable Energy (Condition 24);
- Travel Plan (Condition 26);
- Archaeology (Condition 27);
- Electric Vehicle Charging (Condition 29); and
- Pagham Harbour SPA (Condition 30).

PRINCIPLE

The principle of the proposed development has been established by outline permission P/140/16/OUT which granted planning permission for up to 400 dwellings, a care home with up to 70 beds, a Local Centre comprising up to 2000sqm of A1/A2/A3/D1/sui generis floorspace with two points of access from Pagham Road. The outline planning permission established the principle of development and considered matters of flood risk, impact on wildlife, loss of agricultural land, countryside location, foul drainage, flood risk and the provision of affordable housing, public open space, children's play and other related infrastructure.

This outline approval relates to the Pagham South Strategic Allocation with this application relating to the Local Centre and care home only.

COMPLIANCE OF THE PROPOSAL WITH OUTLINE CONDITIONS

Condition (3) states that development shall be carried out in accordance with approved plans which consist of

Location Plan - dwg no. DLA.1731.L003.03;
Red Line Boundary - DLA.1731.L003.01;
Proposed Northern Site Access - 1616/01 Rev L; and
Proposed Southern Site Access - 1616/02 Rev K.

In this case the development accords with the plans approved under reference P/140/16/OUT in so far as it relates to the proposals.

Condition (6) required that a Design Code Masterplan be approved prior to the submission of the Reserved Matters application and that the development then be prepared and carried out in accordance with the approved details. The Design Code in relation to the site was approved under reference P/83/21/DOC. The proposed development in this case accords with the Design Code.

Condition (7) required any Reserved Matters application to be accompanied by details concerning landscaping and layout particulars in relation to trees. The proposed application accords with the requirements with Condition (7) and this will be considered in more detail later in the report.

LAYOUT, APPEARANCE AND SCALE

Arun Local Plan policies D DM1, D SP1 and LAN DM1 are relevant in respect of design and character. In addition Policy AH SP2 seeks to ensure that affordable housing is visually indistinguishable from market housing and that layouts avoid large clusters of affordable dwellings.

The National Design Guide (NDG) is a material consideration in the determination of this application as well as the Arun Design Guide. The application has been prepared in accordance with the Design Code, approved through the discharge of Condition 6, which was itself prepared and assessed against the requirements of the Pagham Village Design Statement, NDG and Arun Design Guide as well as the parameter plans approved through P/140/16/OUT.

The design code in respect of the Local Centre identifies that the key aims for the design of this character area were:

- Designed to promote connectivity with existing communities as well as the wider residential development;
- Strong pedestrian routes through the Local Centre that are legible and prioritise pedestrians;
- A clear hierarchy of streets; and
- Create a strong sense of place with high quality public realm spaces integrated in key areas to allow people to meet and socialise.

In addition to this a precedent study was undertaken which identified the following key features:

- Traditional-style architecture to match with the rest of the development and the wider context of Pagham;
- Long stretches of facade broken up by features such as gables;
- School and community-focused buildings to be of sympathetic materials, but may deviate in architectural design; and
- Commercial buildings to be easily identified and have good street presence.

The applicants entered into pre-application discussions with the Local Planning Authority and presented the early proposals at the Pagham Advisory Group. Comments were provided by the LPA in respect of these early proposals with the design being amended to address those concerns. These comments related to the legibility and ease of navigation through the site through the creation of strong pedestrian links from north-south and east-west. In addition, the LPA wanted to see the inclusion of public realm spaces for people to socialise as well as the provision of private amenity space to meet the needs of future residents.

In response to these comments the applicants have amended the proposals by strengthening the pedestrian routes through the site and simplifying the parking arrangements. Additionally, spaces within the public realm have been provided to facilitate outdoor socialising whilst balconies and private amenity space has been identified for the flats.

The proposed scale of the development is in accordance with the parameter plans approved through the determination of P/140/16/OUT as well as that identified through the Design Code. The height of the building immediately adjacent to Pagham Road has been reduced following a request by officers in order to provide more of a transition in scale from Pagham Road.

The scale of the development in this case is appropriate and ensures that the Local Centre will appear in keeping with the existing scale of development whilst providing a focal point for existing residents and the new development. The proposed scale will ensure that the development provides a strong frontage to the main spine road, with a lower scale of development on the northern boundary providing a transition towards the village hall.

The buildings have been designed to accord with the requirements of the approved Design Code, incorporating traditional design features and materials which are appropriate. The roof forms are traditional in design, incorporating gables as key features with hipped ends.

Therefore, by virtue of the proposed developments in accordance with the Design Code, the proposals would accord with the requirements of the NDG and Arun Design Guide as well as policies D DM1, D SP1, LAN DM1 and AH SP2 of the Arun Local Plan.

PUBLIC OPEN SPACE & PLAY

ALP policy OSR DM1 and HWB SP1 are relevant. The Council's supplementary planning document (SPD) 'Open Space, Playing Pitches, Indoor and Built Sports Facilities' (January 2020) sets out specific requirements for on-site public open space (POS) and play provision.

The application relates solely to the Local Centre of the proposals with the design code identifying that the majority of open space provision to address the needs of the allocation would be provided elsewhere. The application proposes a total of 660sqm of informal open space which falls below the requirements of the open space SPD. Given the predominantly commercial nature of this part of the site the open space provision is satisfactory.

The wider allocation will provide additional open space provision in accordance with the details of the outline planning approval (P/140/16/OUT) which will also address the needs of future occupiers. Therefore, the proposals accord with OSR DM1 and HWB SP1 of the Arun Local Plan.

LANDSCAPING & TREES

ALP policies D DM1, LAN DM1, D SP1 and ENV DM4 are relevant to consideration of landscaping and trees.

The application was accompanied by a Arboricultural Method Statement which identifies the trees intended for removal. This is in line with the details previously approved through the determination of P/140/16/OUT and as such is acceptable. In addition to this tree protection measures are identified with development located outside of the Root Protection Areas (RPA) of trees to be retained.

A number of trees to the east of the application site are the subject of a Tree Preservation Order (TPO) under reference TPO/P/3/19. The proposals will not adversely impact upon the health or retention of these trees.

The application is accompanied by detailed landscape drawings which show the landscaping details also proposes additional tree planting throughout the site which will help to soften to built form. In this case the proposed landscaping scheme is considered to be fitting for the location and type of development.

Sufficient information has been provided to conclude that the landscaping proposals are acceptable and in accordance with policies D DM1, LAN DM1, D SP1 and ENV DM4 of the ALP.

HERITAGE

ALP policies HER SP1, HER DM1 and HER DM4 are relevant to the consideration of impacts of the development upon heritage. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 are relevant and these are set out in full in the "Development Plan Background" section above.

The National Planning Policy Framework (NPPF) sets out several steps that must be followed when considering impact on heritage assets. Para 194 requires applicants to describe the significance of heritage assets affected, including any contribution made by their setting. Para 195 then requires Local Planning Authorities to identify and assess the particular significance of the heritage asset that is affected by a proposal. The Local Planning Authority must then consider the level of harm associated with the proposal and decide whether there is no harm, 'less than substantial harm' or 'substantial harm'. It is then necessary to counterbalance harm with the level of public benefits associated with the proposal (as set out in para 202).

Separately, in respect of non-designated heritage assets, it is necessary to refer to the guidance in para 203 of the NPPF. This states that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss

and the significance of the heritage asset.

The heritage impacts were considered at outline stage where it was identified that the proposed development would preserve the setting of nearby designated heritage assets. This application has been accompanied by a Heritage Impact Assessment (HIA) which considered the significance of heritage assets in accordance with paragraph 194 of the NPPF. The HIA concluded that the proposed development would not result in any harm to the character, setting or significance of any designated or non-designated adjacent heritage assets.

This application has been the subject of consideration by the Council's Conservation Officer who has identified and assessed the significance of heritage assets that could be affected by the Proposals. It has been concluded that the development would not impact upon the setting of nearby listed buildings, with no harm identified to the overall significance of the heritage assets, with the exception of The Parish Church of St. Thomas a Becket.

In the case of the Parish Church of St. Thomas a Becket the proposals would result in less than substantial harm, on the lower end of the scale. As such, it is necessary to weigh the harm against the public benefits that the development may provide. In this case the proposal will;

- Provide 20 homes to contribute towards the Council's current housing land supply shortfall;
- Provide new affordable housing;
- Provide 1,660sqm of E(a), E(b) E(c), E(e), E(f) and F1 floor space to support existing and new residents;
- Provide a new 70 bed care home to meet the needs of the elderly;
- Provide contributions and other infrastructure improvements as set out in the S106 Agreement for application P/140/16/OUT;
- Either create new construction jobs or help to maintain existing ones; and
- Result in additional spending by new residents on goods and services including within the local area.

The public benefits are of a level that the identified 'less than substantial harm' to the Parish Church of St. Thomas a Becket can be outweighed as such the proposals are in accordance with the NPPF guidance and compliant with the relevant development plan policies.

The Council's Archaeologist has been consulted in respect of this application but has not provided any comments. However, the potential for archaeological interests at the site was considered at outline stage and Condition 27 imposed on P/140/16/OUT. This condition requires the applicant to secure the implementation of a programme of archaeological work and it is considered that this condition is sufficient to ensure that any archaeological interest is identified and recorded.

The Barton Close Area of Character (AOC) is located approximately 200m to the north of the application site. It is identified that upon entering Barton Close, a single track is bordered by grass verges, with a semirural enclave created. Established hedges, cleft oak fencing and the grass verges are distinguishing features of the rural character, with the pond in the grounds of Barton Granary being an attractive focal point.

The impact of development upon the AOC was considered through the determination of P/140/16/OUT where it was identified that there would be little indivisibility between the site and the AOC. Policy HER DM4 relates to development within the AOC and as such is not applicable to the determination of this application. However, the impact of the development upon the AOC has been reviewed and there will be no harm to the setting or significance of this non-designated heritage asset.

In respect of sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990,

whilst the setting of the Parish Church of St. Thomas a Becket will be subject to less than substantial harm, this harm can be outweighed by the strength of the public benefits. Furthermore, no harm has been identified to any non-designated heritage assets. Therefore, the proposed development will accord with policies HER SP1 and HER DM1 of the Arun Local Plan.

HOUSING MIX

ALP policy H DM1 provides for a mix of housing to meet local needs and requires all housing development should provide a mix of dwelling types and sizes to address the nature of local housing needs and market demand. The policy preamble (12.2.4) 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).

The application includes 20 residential properties all of which are to be provided above the commercial uses. Therefore, the housing mix is proposed to consist of 18 x 2b4p and 2 x 1b2p flats. Therefore, whilst the proposed development does not include family sized accommodation it would be inappropriate to do so as part of the Local Centre. The housing mix as proposed is a deviation from that identified through the SHMA but given the nature and function of this portion of the strategic allocation the mix as proposed is appropriate.

AFFORDABLE HOUSING

The original submission failed to identify any affordable housing provision and an objection was raised by the Council's Housing Strategy and Enabling Manager. However, the submitted plans were amended with the 6 no. flats contained within Block B identified as affordable units, resulting in a 30% provision of affordable housing. This aligns with the requirements of the S106 signed in association with outline planning permission P/140/16/OUT. The S106 required a tenure split of 80% Affordable Rented and 20% Intermediate Housing. The agent has confirmed that the affordable housing will consist of 5 Affordable Rented and 1 Intermediate Flat. Therefore, the proposed affordable housing provision will align with the detailed agreed at outline stage.

RESIDENTIAL AMENITY

ALP policies D DM1 and QE SP1 are relevant to the consideration of amenity. The Council's Design Guide sets out guidance in respect of the interface distances between residential windows. In this case the flats would at their closest points be approximately 20m apart, which is sufficient separation distances to avoid any unacceptably adverse overbearing or overlooking impacts. The proposals are also sufficiently distant from any existing residential buildings so as to avoid any unacceptable adverse harm.

All of the dwellings proposed in this case accord with the Nationally Described Space Standards in terms of their internal floor areas. The flats contained within Blocks B and C feature balconies which will ensure future residents have access to private amenity space. The smallest balconies proposed have an area of 3.6sqm which exceeds the minimum requirements of 3sqm identified through the Arun Design Guide. Block A features balconies on two of the 8 flats contained within the block and these again exceed the requirements within the Arun Design Guide. But in lieu of balconies a private roof terrace is proposed for residents which will measure approximately 92.45sqm which is considered to be of sufficient size to meet the needs of residents.

The application also proposed a cafe on site and it is unclear how this and other retail/commercial uses are intended to be operated. Therefore, a condition has been included to ensure that details of equipment for the movement of air are submitted to and approved by the Local Planning Authority to ensure no adverse impacts on the amenity of future occupiers.

The proposals accord with policies D DM1 and QE SP1 of the ALP and as such the development will not result in any adverse impacts upon existing residents or future occupiers of the site.

PARKING, ROADS AND PUBLIC FOOTPATHS

ALP policies T DM1 and T SP1 are relevant as well as the adopted Arun Parking Standards SPD. The initial advice from WSCC is summarised above where they have requested the submission of a Road Safety Audit as well as further information concerning disabled parking, the needs of the school site and the design of the raised features on the spine road.

This additional information was submitted by the applicant and was the subject of further consultation with WSCC as Local Highway Authority who have raised no objection to the proposals subject to the imposition of conditions concerning car parking, cycle parking, provision of a servicing management plan and construction of the access road in accordance with the proposed details.

The application would provide 149 spaces, of which 102 would be associated with the retail/commercial uses, and 44 are specifically for residential use. A total of 25 spaces are provided in association with the 70 bed care home, with 5% of the total parking provision as disabled car parking spaces. In addition 20% of the parking spaces will feature electric vehicle charging. The parking provision is in accordance with the Arun Parking Standards SPD and as such is acceptable.

The road widths align with the objectives of the design code with the main spine road being 7.3m in width, whilst the roads within the Local Centre will primarily measure 6m in width.

Therefore, subject to the proposed conditions the development as proposed would accord with Policy T DM1 as well as the Parking Standards SPD.

WASTE MANAGEMENT

Policy WM DM1 of the ALP is relevant but in this case there are no issues with refuse vehicles access the site with the layout having been designed to provide service vehicle access to the retail/commercial uses. Bin stores are provided for both the retail/commercial uses as well as the residential properties in accordance with the Arun Design Guide. Overall, the application achieves sufficient provision for the storage of waste and that collection is possible for all uses such that there is no conflict with the requirements of policy WM DM1.

SURFACE WATER DRAINAGE

Surface water drainage is covered by conditions 10, 11 and 12 imposed on the outline planning permission and will need to be agreed through the discharge of conditions. However, the Council's Drainage Engineer has been consulted and has raised a holding objection. A technical response has been provided by the applicant drainage engineer and whilst the Council's Engineer has been consulted no updated comments have been provided. However, these details will need to be agreed through the discharge of relevant conditions imposed on the outline permission not through the determination of this application.

Should it not be possible for drainage to be accommodated alongside the proposed layout then the applicant will not be able to implement the proposed layout. On this basis, this reserved matters application can be determined without the full support of drainage engineers and therefore it is not necessary to demonstrate compliance with policy W DM3 at this time.

SUMMARY

The applicant has made a number of positive amendments to the application in order to overcome the concerns raised by the LPA and statutory consultees. The proposals are in accordance with the Arun Design Guide as well as the site specific Design Code and relevant development plan policies. As such, it is recommended that the application is approved subject to the conditions proposed.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

RECOMMENDATION

APPROVE CONDITIONALLY

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

- Location Plan - PL00
- Proposed Site Plan - PL01 Rev E
- Proposed Site Wide Context - PL03 Rev D
- Proposed Massing Plan - PL05 Rev A
- Proposed Street Elevations - PL06 Rev B
- Proposed Land Use - PL07 Rev B
- Care Home Plans - PL09 Rev C
- Care Home Plans 2 - PL10 Rev C
- Care Home Elevations - PL11 Rev C
- Block A Plans - PL13 Rev D
- Block A Elevations - PL14 Rev D
- Block B Plans - PL15 Rev B
- Block B Elevations - PL16 Rev B
- Block C Plans - PL17 Rev B
- Block C Elevations - PL18 Rev B
- Block D Plans - PL19
- Block D Elevations - PL20
- Proposed Site Sections - PL21 Rev B

- Proposed Soft Landscaping - Sheet 1 of 3 - 2068-DLA-L-06 Rev P01
- Proposed Soft Landscaping - Sheet 2 of 3 - 2068-DLA-L-02 Rev P03
- Proposed Soft Landscaping - Sheet 3 of 3 - 2068-DLA-L-03 Rev P02
- Proposed Hard Landscaping - 2068-DLA-L-01 Rev P03
- Proposed Fencing - 07 Rev P01
- Spine Road and Local Centre Access - Sheets 1 of 3 - 2152-07
- Spine Road and Local Centre Access - Sheets 2 of 3 - 2152-07
- Spine Road and Local Centre Access - Sheets 3 of 3 - 2152-07

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

- 2 No use forming part of this planning permission shall be first occupied until covered and secure cycle parking spaces serving the respective use have been provided in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the private motor vehicle in accordance with Arun Local Plan policies T SP1 and T DM1.

- 3 No part of the retail use shall be first occupied until such time until a Servicing Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall set out the arrangements for the loading and unloading of deliveries, in terms of location and frequency, size of vehicles, and set out arrangements for the collection of refuse. Once occupied the use shall be carried out only in accordance with the approved plan.

Reason: To safeguard the operation of the public highway in accordance with policy T DM1 of the Arun Local Plan.

- 4 No part of the development shall be first occupied until the access road has been provided in accordance with the details as shown on Spine Road and Local Centre Access, Sheets 1, 2 and 3, drawing number 07 Revision G, and Indicative Proposed Road Markings, sheets 1 and 2, Drawing 08 Revision C.

Reason: To secure satisfactory standards of access for the proposed development.

- 5 No development above Damp Proof Course (DPC) shall take place until a lighting design scheme has been submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

Prior to first occupation all external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

- 6 During construction, any trenches deeper than 1m, shall be covered or ramps provided by using planks placed into them and any drainage pipework with a diameter greater than

200mm shall be capped off at both ends, at the end of each working day. Excavations, should be checked each morning for the presence of any mammals or other species and hazardous materials should be suitably stored so they cannot be accessed by animals.

Reason: To conserve Protected species under the Wildlife & Countryside Act 1981 (as amended) and the Protection of Badgers Act 1992.

- 7 Prior to the commencement of the development hereby approved, a scheme to demonstrate that the internal noise levels within the residential units will conform to the "indoor ambient noise levels for dwellings" guideline values specified within BS 8233: 2014, Guidance on Sound insulation and Noise Reduction for Buildings, shall be submitted to and approved in writing by the Local Planning Authority. The work specific in the approved scheme shall then be implemented prior to the occupation of the premises and retained thereafter.

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

- 8 Details, including acoustic specifications, of all fixed plant, machinery and equipment associated with air moving equipment (including fans, ducting and external openings), compressors, generators or plant or equipment of a like kind, installed within the site which has the potential to cause noise disturbance to any noise sensitive receivers, shall be submitted to and approved in writing by the Local Planning Authority before installation. The rating level of noise emitted from the use of this plant, machinery or equipment shall not exceed the background sound level when measured according to BS4142: 2014, at any adjoining or nearby noise sensitive premises.

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

- 9 No development above damp-proof course (DPC) level shall take place unless and until details of the proposed location of the required fire hydrants have been submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service.

Prior to the first occupation of any dwelling forming part of the proposed development, the developer shall at their own expense install the required fire hydrants (or in a phased programme if a large development) in the approved locations to BS:750 standards or stored water supply and arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting.

The fire hydrants shall thereafter be maintained as part of the development by the water undertaker at the expense of the Fire and Rescue Service if adopted as part of the public mains supply (Fire Services Act 2004) or by the owner/occupier if the installation is retained as a private network.

Reason: In the interests of amenity and in accordance with policy INF SP1 and T SP1 of the Arun Local Plan and in accordance with The Fire & Rescue Service Act 2004.