

REPORT UPDATE

Application No: P/30/19/OUT

Reason for the Update / Changes

Reason for Update/Changes:

1. Natural England provided a consultation response on the 22nd July 2019 providing the following comments:

NO OBJECTION SUBJECT TO MITIGATION

Agree with the conclusion of the Appropriate Assessment, that mitigation measures are available to avoid an adverse effect on the integrity of the SPA/Ramsar. Therefore, in line with these conclusions, the following mitigation measures should be secured:

- Financial contribution to the Pagham Harbour SAMM Strategy;
- Greenspace totalling 6.65ha within the development site, managed to provide recreational space for people and their dogs;
- Development to be phased to align with Southern Water's delivery of sewerage network reinforcement.
- A detailed surface water drainage strategy addressing both flood risk and water quality should be produced.
- A construction environment management plan should set out the best practice measures to avoid pollution.

2. Four Letters of representation received following the publication of the recommendation report.

The following points have been raised:

- Brent Geese use this site during the winter period.
- The changes to the access are not substantive enough to make a difference.
- Loss of best and most versatile growing land.
- Road infrastructure is already over burdened and cannot cope with additional housing.
- This field regularly floods in winter and is unsuitable for development.

Two letters of representation received from Pagham Parish Council:

- Applicants ecological surveys are all dated 2015-2017 and have not been updated.
- No comments from Chichester District Council which is significant given their previous comments in relation to P/6/17/OUT.
- The applicants heritage statement does not consider all relevant Listed Buildings.
- Drainage concerns.
- Application should not be dealt with in Outline.
- The Officers report includes inaccuracies, assertions and misrepresentations (no details provided).
- Object to the plan.

3. TREE PRESERVATION ORDER

A Tree Preservation Order under reference TPO/P/1/19/ has been made for a Pedunculate Oak situated on the eastern boundary of the site in accordance with the request of the Council's Tree Officer. The proposed site access onto Hook Lane does not have an impact upon this tree and the tree was identified within the submitted Arboricultural Assessment as being retained.

4. RECOMMENDATION

That delegated authority is granted to the Group Head of Planning to make minor amendments to the S106 Agreement that are substantially in accordance with the Heads of Terms and to grant planning permission subject to the S106 Agreement, Conditions and Informatives.

Officers Comment:

- 1. The consultation response from Natural England supports the conclusions of the Officers recommendation.
- 2. The additional letters of representation do not raise any points which have not already been previously considered.
- 3. No additional comments.
- 4. No additional comments.

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 Outline Consent

REF NO:	P/30/19/OUT
LOCATION:	Land north of Hook Lane Pagham
PROPOSAL:	Outline application with some matters reserved for the construction of up to 300 No. new homes, a care home of up to 80 beds, D1 uses of up to 4,000 sqm including a 2 form entry primary school, the formation of new means of access onto Hook Lane & Pagham Road, new pedestrian & cycle links, laying out of open space, new strategic landscaping, habitat creation, drainage features & associated ground works & infrastructure. This application may affect the setting of a listed building (resubmission following P/6/17/OUT).

SITE AND SURROUNDINGS	
DESCRIPTION OF APPLICATION	The application seeks outline permission with all matters reserved except access for the construction of up to 300No. new homes, care home of up to 80No. beds, D1 uses of up to 4000sqm including a 2 form entry Primary School, formation of new means of access onto Hook Lane & Pagham Road, new pedestrian & cycle links, the laying out of open space, new strategic landscaping, habitat creation, drainage features & associated ground works & infrastructure.
SITE AREA	Approximately 17.5 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	Approximately 17.14 dwellings per hectare (based on overall site area). 30 dwellings per ha based on net developable area.
TOPOGRAPHY	Predominantly flat.

TREES	Trees are situated along the boundaries of the site. No trees of any significance are affected by the proposed development.
BOUNDARY TREATMENT	The western and northern boundaries of the site feature mature trees and hedgerow planting of between 2 and 5 metres in height. The eastern boundary (adjacent to Hook Lane) primarily consists of hedgerow planting measuring approximately 2m in height. However, there are portions of the eastern boundary which feature hedgerow planting measuring <1.2m and sections which are devoid of any hedgerow planting.
SITE CHARACTERISTICS	The existing land use is a greenfield site in agricultural use and is situated within the built up area boundary of Pagham. The application site is situated to the east of Pagham Road and measures approximately 17.5 hectares. Further agricultural land is situated to the west of the application site, with the Pagham Harbour situated approximately 1.9km to the south-west. Pagham Road runs along the western boundary of the site, with Sefter Road to the north and Hook Lane to the east and south-east. The site is identified as falling within Flood Zone 1 with the exception of a portion of the site measuring approximately 22m² in the north-western corner of the site identified as Flood Zone 2.
CHARACTER OF LOCALITY	The locality of the site is predominantly rural in character but on the edge of the existing built up area. However, development is present to the east of Pagham Road which is characterised predominantly by two storey dwellings and bungalows of various designs and styles which are set back from the highway. A cluster of two storey residential development is situated to the north-west of the application site. Bus stops are situated along the western boundary of the site along Pagham Road.

RELEVANT SITE HISTORY

P/6/17/OUT	Outline application with some matters reserved for construction of up to 300No. new homes, Care home of up to 80No. beds, D1uses of up to 4000sqm including a 2 form entry Primary School, formation of new means of access onto Hook Lane & Pagham Road, new pedestrian & cycle links, the laying out of open space, new strategic landscaping, habitat creation, drainage features & associated ground works & infrastructure.	Refused 24-01-19
P/25/17/OUT	Outline application with all matters reserved - Erection of	

up to 65 No. dwellings, access roads, landscaping, open space & associated works.

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
P/134/16/OUT	Outline application for the development of up to 280 dwellings (including affordable homes), land for a replacement scout hut, land for an Ambulance Community Response Post Facility and land for either a 1FE primary school or care home. Provision of a primary vehicular access from Sefton Road and demolition of No. 80 Rose Green Road and creation of a pedestrian and emergency only access. Provision of Public Open Spaces including associated children's play areas, landscaping, drainage and earthworks. This application also falls within the parish of Aldwick	
P/14/99/	Outline application for development of land to provide a maximum of 175 dwellings (6.55ha), public open space (1.42ha) and structural landscaping (1ha). (Departure from the Development Plan)	NON DET APPEAL 28-03-00 Appeal: Dismissed 05-09-00

P/6/17/OUT was refused on highways ground and is now the subject of an appeal which is due to be heard at a public inquiry on 22-25 October 2019.

The application was refused by the Development Control Committee against officer recommendation for the following reason:

"The increased vehicle movements generated by the application will exacerbate the capacity issues on the local highway network and the mitigation measures proposed are insufficient to overcome the safety concerns resulting from the additional vehicle movements contrary to policy TSP1 of the Arun Local Plan."

Members should note that the applications for all of the sites that comprise the strategic allocation prepared a cumulative Transport Assessment. This was assessed by West Sussex County Council (as Local Highway Authority), Highways England as well as independent highways consultants (appointed by the Council). In the determination of planning applications P/134/16/OUT, P/140/16/OUT, P/6/17/OUT

and P/25/17/OUT the committee concluded that three applications were acceptable in highways terms when assessed against the cumulative transport assessment. However, the committee concluded that P/6/17/OUT was unacceptable based upon the same highways assessment.

The appeal under reference P/14/99/ was dismissed on the 5th September 2000 as the Inspector Considered that the site performed poorly on sustainability grounds, had a potential role in helping to retain the separate identity of and amenity of settlements, and that the merits of the site should have been examined in the context of the local plan.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Pagham Parish Council

Pagham Parish Council

- It has not been demonstrated that the scheme will deliver development of the type envisaged by the Arun Local Plan (ALP) Policy SP1a or a comprehensive, master planned and integrated development which will accord with ALP policies H SP2 and H SP2a and related national policy in the NPPF 2019.
- Given the scale of the development proposed for the site it has not been demonstrated that the site can be developed in a manner that will preserve or enhance the quality and landscape character of its environs, the Bognor Regis to Chichester Gap or existing Green Infrastructure assets or contribute positively to the quality of the environment contrary to policies H SP2, H SP2a, LAN DM1, SD SP3, GI SP1, D SP1, QE SP1 and ENV DM4 of the Arun Local Plan (2018) and related national policy in the NPPF 2019.
- Given the scale of the development proposed for the site it has not been demonstrated that the site can be developed in a manner that will preserve heritage assets including the setting of the nearby Grade II listed Rookery Farm and Grade II listed Nyetimber Windmill, contrary to policies, HER SP1, HER DM1 and H SP2a (b) of the Arun Local Plan (2018) and related standing advice from Historic England and national policy in the NPPF 2019.
- It has not been demonstrated that the development of the site can be undertaken in a manner that will safeguard the water quality of Pagham Harbour or on site habitats for protected species contrary to policies H SP2a, ENV DM2, ENV DM4 and ENV DM5 of the Arun Local Plan (2018) and related standing advice from Natural England and national policy in the NPPF 2019.
- It has not been demonstrated that the scheme will provide for the necessary infrastructure requirements of policies H SP2, INF SP1, INF SP2, T SP1, T DM1, T SP3, W SP1, W DM1 and W DM3.

ALDWICK PARISH COUNCIL:

- Members strongly oppose the application on the grounds that it is in direct conflict with Policies SD SP1 A; SD SP1 J; ECC SP1; HER SP1; 6.24;8.11.1; ENV DM4; SP1 A (K); T DM1; and TSP1, of the Arun Local Plan 2011-2031.
- Flood risk, drainage issues, not got the required infrastructure to sustain such a development. Bio-diversity is not sufficient as the development does not retain significant open or wooded areas which would make a positive contribution to the local environment. Loss of habitat. Road safety, risk to pedestrians and car users.

NORTH MUNDHAM PARISH COUNCIL

Objection on the basis concerns lie with the potential for increased traffic through the parish mainly, but not exclusively, on the B2166 and Vinnetrow Road - the volume of traffic on Marsh Lane is already an additional issue for local residents. Also expressing concerns about drainage, the lack of provision of cycle routes, pedestrian safety, traffic pollution (air and noise) and the effect on the environment.

310 letters of objection. Below is a summary of the key issues raised:

Sustainability

- Loss of tourism.
- Reduces the diversity of the landscapes
- Strain on the local market to supply food to the people moving into the area.

Agricultural land

- The development will result in a loss of high-grade agricultural land.
- Farmland is required for food production.
- The land should be kept for agricultural purposes.

Design and visual amenity

- The area will become overdeveloped.
- Development will adversely impact upon rural character.
- Development will adversely impact upon existing character of the locality.
- Development will adversely impact upon strategic gap.
- Loss of green space and areas for children to play.
- Development of this kind leads to boring and unimaginative house designs with tiny gardens and limited parking.

Development plan

- Not in line with the current development plan.

Surface water and drainage

- Existing drainage will not cope.
- Site is vulnerable to flooding.
- Extra water on a system that already struggles will cause raw sewage to be pumped into the sea.

Highways

- Roads are heavily trafficked and congested.
- Pedestrian safety trying to cross roads at or near the already busy junctions (Walnut Tree junction).
- Lack of proposals to address the provision of enhanced cycle routes.
- B2166 and B2145 are unsuitable and unsafe for cyclists.
- Issues regarding the A27 should be resolved prior to the development taking place.
- Increased traffic and congestion will cause emergency services to take longer to arrive.
- Increased level of noise pollution.
- Increase in the use of 'rat runs' through existing housing.
- Chichester A27 options rejected. Therefore, Cumulative TA work is out of date.
- Cumulative TA does not take account of the Chichester District Council draft Local Plan.

Infrastructure

- Schools are currently oversubscribed.
- Doctors surgery cannot accommodate existing demand.
- Dental surgery cannot accommodate existing demand.
- Hospitals in the local area struggling with the current demand.
- Bus services being scaled down leading to public services to be under strain already.
- Emergency services fully stretched already.
- Stress on all utilities will be unsustainable.
- No major source of local employment.
- The internet connection as is struggles and drops out.

Biodiversity and Ecology

- Development will result in an increase in air pollution.
- Increased light pollution and the impact on wildlife that comes with it.
- Threat to the environment of Pagham Harbour.
- Eliminate the ability of the land to store carbon.
- The farmland is a breeding ground for Brent Geese.
- Development will increase the loss of dark skies.
- The development would be in the flight path for bats causing further disruption to the wildlife.
- Habitats Regulation Assessment does not incorporate Chichester District Council developments.
- Arun District Council should have considered alternative locations in the district for housing with no impacts on the Pagham Harbour Ramsar/Special Protection Area (SPA).
- Arun District Council has not satisfied itself that all adverse impacts on the Pagham Harbour Ramsar/SPA can be mitigated.

Other

- Chichester District Council intend to meet their objectively assessed need and as such Arun District Council allocation are not longer required.
- Arun District Council have not met the Parish Council's legitimate expectations regarding involvement and consultation regarding the still emerging draft s106.

Non-Material

- Leaving the European Union means we will need to be more self-sufficient and not loose high-grade soils for food.
- Disruption of community cohesion.
- Development has already been refused on this site.
- Poor water pressure during busy times.
- Likely to lead to an increase in anti-social behaviour.
- Loss of views (looking at a mound of dirt).
- Unaffordable housing for local people.
- Impact on the quality of life for elderly residents who may not see the construction completed.
- More suitable areas for the development to occur.

COMMENTS ON REPRESENTATIONS RECEIVED:

The following comments are provided in response to the consultation response from Pagham Parish Council:

i. The proposed development accords with policy H SP1, HSP2 and H SP2a of the Arun District Local Plan. In terms of the master planning of the site this matter was the subject of Judicial Review by the Parish Council following determination of planning application P/140/16/OUT. In this case it was concluded in the Judgement (following the renewal hearing) that the indicative masterplan and condition securing the provision of a Design Code Masterplan was adequate to address the policy requirement of H SP2 for sites to be comprehensively master planned. The above approach has also been accepted in resolving to grant planning permission on the other sites within the Strategic Allocation.

ii. It has been adequately demonstrated that the site can be developed in a manner that will preserve or enhance the quality and landscape character of its environs. The site does not fall within the Bognor Regis to Chichester Gap and as such policy SD SP3 is not relevant to the determination of this application. The proposed development will accord with policy H SP2, H SP2a, LAN DM1, GI SP1, D SP1, QE SP1 and ENV DM4 of the Arun Local Plan and related national policy in the National Planning Policy Framework (NPPF).

iii. The impact of the proposed development upon the preservation of heritage assets, including the setting of nearby Grade II listed buildings have been considered and accord with policies HER SP1, HER DM1 and H SP2a (b) of the Arun Local Plan and related standing advice from Historic England and national policy in the NPPF.

iv. Adequate evidence is available to the LPA and suitably worded conditions will ensure that the development can be undertaken in a manner that will safeguard the water quality of Pagham Harbour and on site habitats for protected species and as such the development would accord with policies H SP2a, ENV DM2, ENV DM4 and ENV DM5 of the Arun Local Plan and related standing advice from Natural England (who have raised no objection to the proposed development) and national policy in the NPPF.

v. The proposed development on the basis of consultation responses from statutory consultees as well as independent studies commissioned by the Council has demonstrated that the proposal will provide for the necessary infrastructure requirements of policies H SP2, INF SP1, INF SP2, T SP1, T DM1, W SP1, W DM1 and W DM3 of the Arun Local Plan. Reference has been made by Pagham Parish Council to policy T SP3 which is not relevant to the determination of this planning application.

All other comments are noted and will be considered in greater detail in the conclusion to this report.

CONSULTATIONS

WSCC Strategic Planning
Conservation Officer
Highways England
Natural England
Chichester District Council
Ecology Advisor
Southern Water Planning
Environment Agency
Archaeology Advisor
Environmental Health
Planning and Housing Strategy
Parks and Landscapes
NHS Coastal West Sussex CCG
Sussex Police-Community Safety
Engineering Services Manager
Engineers (Drainage)
Economic Regeneration
Surface Water Drainage Team

CONSULTATION RESPONSES RECEIVED:

HOUSING STRATEGY AND ENABLING MANAGER

- The Council aims to ensure that 30% affordable housing is achieved on all new residential development in the district where more than 11 dwellings are proposed.
- The applicants are proposing to provide 90 dwellings (30%) of the 300 dwellings for affordable housing,

which accords with policy AH SP2 in the Arun Local Plan.

- However, the Council's Affordable Housing Policy extends to C2 developments, so in addition we would expect to see the proposed care home providing 30% affordable dwellings.
- The Council's Affordable Housing policy requires a tenure split of 75% rented and 25% intermediate housing.
- The proposals should accord with the 'Provision of Accommodation suitable for older people and people with disabilities', agreed by the Planning Policy sub-committee on the 27th February 2019.
- There is high demand for affordable housing throughout the Arun District for all types of housing. As at May 2019 there were 845 households in housing need on the Council's housing register.
- All of the affordable housing requirements would need to be included in the S106 planning obligation not secured by planning condition.

HIGHWAYS ENGLAND

No material matters that would change previous position. Proposed mitigation contribution of £255,000 towards A27 Whyke Hill junction satisfies HE that development proposals can be achieved without detriment to safe and efficient operation of Strategic Road Network.

Previous comments apply (received 27th January 2017 in relation to P/6/17/OUT) as follows:

Comments received 18th April 2018:

- Following our liaison with the applicant, we have now received confirmation that the applicant has agreed to contribute £255,000 towards the proposed mitigation improvements at the A27 Whyke Hill junction. As such, Highways England is now satisfied that the development proposals can be achieved, subject to certain necessary s106 obligations.
- On the basis that it has been agreed that Arun District Council will enter into a s106 Agreement with the applicant to the effect that 'prior to the commencement of the development hereby permitted the applicant will enter into a s278 Highways Agreement with Highways England for a contribution of £255,000 towards the improvement of the A27 Whyke Hill junction as shown on RPS drawing JNY8840-19 Revision B (or such other scheme of works substantially to the same effect, as may be approved in writing by the local planning authority in consultation with Highways England).
- Provided that it will be a term of the Highways Agreement that not more than 10 dwelling units will be occupied until the Highways England Contribution has been paid to Highways England.

SUSSEX POLICE

- Guidance for designing out crime provided - no objection raised.

Previous comments received in relation to P/6/17/OUT

- Request for contribution towards infrastructure of £47,108 - NO UPDATED COMMENTS

WSCC STRATEGIC PLANNING - LOCAL HIGHWAY AUTHORITY

Comments received 23rd April 2019

LHA offered no objection to previously refused application P/6/17/OUT. No material change in circumstances that may change advice. Previous comments re-iterated as follows:

Access

- Accesses designed to appropriate standards and guidance and reviewed by Stage One Road Safety Audit.
- Condition recommended to ensure pedestrian crossing points connect to footways opposite.

Highway Capacity

- Mitigation identified in previously agreed cumulative assessment is still appropriate and took account of all Pagham sites.
- Trip generation data used in the assessment is robust and principles of traffic modelling established

through P/6/17/OUT.

- Various elements still require consideration including - trips from D1 use routing through site and other local junctions; trip distribution diagrams showing development only trips; details of traffic routing in light of three proposed accesses.
- Hook Lane was to provide the B2166/ Vinnetrow Road roundabout improvement - details of the required improvement shown on drawing number 1616/14 need to be submitted with the application with requirement to undertake the works in the S106 agreement.

Accessibility by sustainable modes

- Previously agreed methodology for seeking proportionate contributions towards proposed off road cycle route between Pagham and South Mundham still applies, application would contribute £30,612.
- Consideration should be given to infrastructure improvements to encourage use of bus e.g. improved real time bus information or waiting facilities.
- Travel plan to be secured through a condition.
- In principle, satisfied that future residents have realistic choice of travel without reliance on private car.

Conclusion

WSCC has previously assessed and accepted the highways and transport impacts arising from P/6/17/OUT. This scheme reflect the application presently under consideration, and as such the principle remains acceptable. There are however certain aspects though that require further consideration. This includes;

- Consideration of trips from the proposed D1 use routing through the site access and other local junctions;
- The provision of trip distribution diagrams showing the development only trips (this should account for trips from D1 uses too);
- Details of traffic routing in light of the three proposed development accesses;
- An agreement that those contributions and works required to mitigate the cumulative impact of the developments are still proposed. This should include the resubmission of any associated plans.

Comments received 10th July 2019

- It has been confirmed that the development will have two points of access (one from Pagham Road and a second from Hook Lane) rather than the three as suggested within the initial application.
- Confirmation has also been provided by the safety auditor that the safety audit meets current standards.
- Trip generation from the residential uses has been agreed. Trip generation from the 4,000 sqm D1 uses was questioned.

Comments received 16th July 2019

- The exact mix of D1 uses is unknown at this time. Assumptions have therefore been applied to determine potential trip generation and impact on the local highway network. For the purposes of the current application additional modelling has been provided based on a 3,000sqm health centre and 1,000sqm children's nursery. Junctions in the immediate vicinity of the site have been modelled and the results indicate that the alternate D1 uses would have minimal consequences upon the surrounding highway network.
- The applicant has confirmed that the mitigation intended to be provided in connection with this development and as listed in the Common Statement of Cumulative Assessment (dated 3rd April 2018) will be provided.
- Therefore, the Local Highway Authority have raised no objection to the proposals and have concluded that the development would not result in any unacceptable safety or any other such impacts that could be considered severe.

WSCC FLOOD RISK MANAGEMENT:

- Modelled surface water flood risk - low risk. Any existing surface water flow paths across the site should be maintained or appropriate mitigation strategies proposed.
- Modelled ground water flood risk susceptibility - high risk. The area is shown to be at high risk of ground water flooding based on current mapping.
- Records of any historic flooding - no. We do not have any records of historic flooding within the confines of the proposed site but in June 2012 Hook Lane and the surrounding area suffered extensive flooding.
- Ordinary water courses on site - yes. No development should take place within 3m of any ordinary watercourse.

DRAINAGE ENGINEERS:

- Proposed surface water drainage through attenuated discharge to local watercourse.
- Shallow infiltration testing should be carried out in winter to establish if shallow infiltration appropriate
- Drainage design should follow hierarchy of preference (exploring infiltration first, then drainage via restricted discharge to local watercourse), advice on design of systems given.
- Conditions recommended to ensure: submission and approval of full drainage details prior to commencement; approval of any discharge to watercourses and ensuring riparian maintenance; submission and approval of details for future management and maintenance of the drainage; and provision of completion report when implemented. Plus three informatives.

GREENSPACE

- The minimum open space requirement for a site of this size would be 2.3ha. The open space indicated would appear to be largely in periphery locations which would allow for the protection of existing trees, particularly those situated to the east of the development. However, areas of centrally situated open space would be welcome additions to the scheme.
- Detailing of the onsite play provision or offsite contributions to be approved by the LPA.
- The landscape proposals will need to make provision for new planting that will subsequently reinforce screening of the site, improve biodiversity and enhance the landscape character of the site and its surroundings.
- The care home element of this application will pose a separate set of demands and requirements regarding suitable outdoor space provision to meet the needs of residents, carers and visitors.

NATURAL ENGLAND

No comments received.

ECOLOGY

Habitat Regulations Assessment

- Due to the scale of the site and its location to Pagham Harbour SPA we require a Habitat Regulations Assessment is undertaken for the site.

Water Voles

- Phase one surveys on site have demonstrated that water voles are using ditches within the proposed site.
- Ecological Appraisal by FCBR (2017) has stated that more surveys need to be undertaken closer to the time of construction to help assess the population dynamics, however we require that these surveys are undertaken prior to determination.
- Natural England licence will be required and though two methods have been proposed we require the full details of the chosen methodology so we can ensure the mitigation would be suitable for the site.
- We would not recommend that these further surveys are conditioned as depending upon the findings, the site layout may need to change to accommodate the requirements of the mitigation strategy.

Bats

- Hedgerows on site are used by bats for commuting and foraging and will need to be retained and enhanced for bats.
- Lighting scheme for the site will need to take into consideration the presence of bats in the local area and the scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill.

Reptiles

- Reptile survey has shown that there is a moderate population of reptiles' onsite. Due to this mitigation has been proposed within the Ecological Appraisal by FCPR (2017) and we are happy that the proposed mitigation is suitable and this can be conditioned.
- Further details of reptile mitigation should be included within a Construction and Environmental Management Plan (CEMP) and a condition should be used to ensure this takes place.

Badgers

- Prior to start on site a badger survey should be undertaken to ensure badgers are not using the site.

Birds

- Due to the location of the site to Pagham Harbour the majority of the features suitable for resting birds should be retained and enhanced.
- Any works to trees or vegetation clearance on site should only be undertaken outside of the bird breeding season which takes place between 1st March and 1st October.

ARCHAEOLOGY:

- Agree with the conclusion of the heritage desk-based assessment regarding the likely archaeological potential of the site and the need for this to be evaluated in order that the impact of the development on anything of interest might be properly mitigated. I therefore recommend condition to secure implementation of archaeological works in accordance with a written scheme of investigation before any development takes place.

SOUTHERN WATER:

- Network reinforcement required to provide sufficient capacity overall, some capacity may be available prior to reinforcement works.

Condition requested to ensure that occupation of the development phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate waste water capacity is available to drain the development

- A public pressurized foul sewer (rising main) crosses the site. The exact position of the public sewers must be determined on site by the applicant before the layout of the proposed development is finalised.
- It might be possible to divert the public sewers, so long as this would result in no unacceptable loss of hydraulic capacity and the work was carried out at the developers expense to the satisfaction of Southern Water under the relevant statutory provisions.
- Southern Water requests that in order to protect drainage apparatus, a condition is attached to any planning permission.

CHICHESTER DISTRICT COUNCIL

Previous comments received on P/6/17/OUT dated 8th August 2017 re-submitted

- The traffic generated by the development proposed would, without effective mitigation, result in a severe impact on the roads and junctions within Chichester District, particularly the A27/B2145 junction (Whyke Roundabout) and the A27/A259 junction (Bognor Road Roundabout) on the trunk road network, and the Runction and North Mundham/Hunston roundabouts on the WSCC road network.
- Mitigation should be secured through the local plan or on a bespoke basis for additional development. Chichester District Council would expect Arun District Council to adopt the same approach in partnership with WSCC and Highways England.

- CDC preference would be for a comprehensive assessment and mitigation strategy for all development allocated at both strategic and neighbourhood level within the emerging Local Plan (as modified).

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and will be considered further in the conclusion to this report. Where updated consultation responses have not been received on this application a report update will be provided to the Committee. The conclusion has been prepared on the basis of the updated consultation responses received and where no revised comments have been received reference has been made to the original consultation responses received in relation to planning application P/6/17/OUT.

POLICY CONTEXT

Designation applicable to site:
Policy H SP2a Site SD2 Pagham North

DEVELOPMENT PLAN POLICIES

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

AHSP2	AH SP2 Affordable Housing
DDM1	D DM1 Aspects of form and design quality
ECCDM1	ECC DM1 Renewable Energy
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
ENVSP1	ENV SP1 Natural Environment
HDM1	H DM1 Housing mix
HDM2	H DM2 Independent living and care homes
HERDM1	HER DM1 Listed Buildings
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
HERDM3	HER DM3 Conservation Areas
HERDM4	HER DM4 Areas of Special Character
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
HWBSP1	HWB SP1 Health and Wellbeing
INFSP1	INF SP1 Infrastructure provision and implementation
INFSP2	INF SP2 New Secondary School
LANDM1	LAN DM1 Protection of landscape character
OSRDM1	Protection of open space, outdoor sport, comm& rec facilities
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution

QEDM3	QE DM3 Air Pollution
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP1A	SD SP1a Strategic Approach
SDSP2	SD SP2 Built-up Area Boundary
SKILLSSP1	SKILLS SP1 Employment and Skills
SODM1	SO DM1 Soils
TDM1	T DM1 Sustainable Travel and Public Rights of Way
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
WSP1	W SP1 Water

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD1	Open Space & Recreation Standards
SPD2	Conservation Areas
SPD8	Areas of Special Character

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 Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan.

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

Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Regulation 14).

On 19 July 2019, the 'Pagham Development Management Plan 2019-2026' was published. The Plan contains four policies; one of which seeks to designate large parts of the strategic allocation in the Local

Plan as site as Local Green Space. The PNP has been published under regulation 14 with the revised consultation period running until 5pm on the 31st August 2019.

Given the recent publication of the plan and its conflict with the NPPF the PNP can only be attributed exceptionally limited weight at this time. It must also be highlighted that the PNP in its current format is not considered to be in general conformity with strategic local policy (as set out below) in conflict with Paragraph 036 (Reference ID: 41-036-20190509) of the Planning Practice Guidance. The policies within this Plan will be considered in the Conclusions section of this report.

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 a strategic allocation within the built-up area boundary and has adequately demonstrated that the development would accord with the requirements of policy H SP2 and will cumulatively meet the requirements of H SP2a in conjunction with other applications within the strategic allocations in Pagham.

The proposal also makes adequate contributions towards necessary infrastructure in accordance with policy INF SP1 of the Arun Local Plan (2011-2031).

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

PRINCIPLE

The development plan for the determination of this application comprises the Arun Local Plan (2011-2031).

Arun Local Plan (2011-2031)

The key policy considerations in the determination of this application are considered to be;

Policy H SP1 - establishes the housing requirement within the plan period (2011-2031) of at least 20,000 new homes within the Arun District. This includes SD2 Pagham north (at least 800 dwellings) and SD1 Pagham south (at least 400 dwellings).

Policy H SP2 - identifies that development proposals within the Strategic Site Allocations must be comprehensively planned and should have regard to a masterplan endorsed by the Council for the respective areas which incorporates high quality imaginative design which gives a sense of place.

It is identified that the comprehensive development of the allocation will need to meet the following key requirements;

a. Integrate appropriately with surrounding communities through an appropriate design particularly where they adjoin by providing for public realm improvements, shared community uses, and connectivity of transport modes including walking, cycling and public transport.

- b. Ensure a clear and harmonious relationship between town and country including clearly defined boundaries, using physical features that are readily recognisable and likely to be permanent.
- c. Protects, conserves or enhances the natural environment, landscapes and biodiversity.
- d. Incorporate high quality, well connected green spaces, planting within main streets and biodiversity rich open spaces.
- e. Extend, enhance and reinforce strategic green infrastructure and publically accessible open space.
- f. New community hubs where required to be provided, shall be well located taking account of the permeable layout to all transport modes and shall as far as possible cluster retail, commercial and community uses.
- g. Where existing village centres are within or will serve the needs of strategic development sites their improvement as sustainable centres will be required.
- h. Where community buildings are provided these shall be designed and provide for a range of uses such as healthcare, police, faith and community groups.
- i. Integration of community hubs and local centres of an appropriate form and scale into the design and layout of development proposals where identified in the specific allocations policies in H SP2 a-c.
- j. Ensure walkable access to local community, recreational and shopping facilities, jobs and accessible transport.
- k. Address the off-site capacity requirements, that related to that particular allocation, identified in the Arun Transport Assessment (2016 and update 2017 and taking into account subsequent relevant assessments) and the local highway network.
- l. Positively respond to sustainable water management taking particular account of the coastal plain topography which may require strategic surface water solutions.
- m. Maintain and enhance any important features, characteristics and assets of the local area.
- n. Provide for the required infrastructure, which relate to that particular allocation, in accordance with Policy INF SP1 and the Infrastructure Delivery Plan.
- o. Enable strategic District wide infrastructure to be delivered at strategic sites if the location is appropriate for the District.
- p. Consider inclusion of an area of the sites for self-build and custom build.
- q. Consider the delivery of an area as a site for Gypsy and Traveller accommodation.

Policy H SP2a - identifies the strategic allocation of at least 1,200 dwellings in Pagham over the plan period. This includes allocation SD1 (Pagham South) for at least 400 dwellings and allocation SD2 (Pagham North) for the provision of at least 800 dwellings. The policy requires development proposals to meet the following key design and infrastructure requirements;

- a. Ensure no detrimental impact to Pagham Harbour SPA.
- b. Take into account nearby heritage assets.
- c. Provide a new one-form (expandable to two-form) primary school and nursery places.
- d. Provide a care home facility.
- e. Provide a community hub which includes.
 - shops and complimentary uses.
 - community building (Tier 7 library, D1/sui generis floor space)
 - provision of land for scout hut, and
 - land for an ambulance community response post
- f. Provision of public open space to include children's play areas, landscaping, drainage, and earthworks.
- g. Contribute to the provision of an enhanced local cycle network by making on site provision and appropriate off site financial contributions.
- h. Where possible, provide pedestrian and cycle routes to Bognor Regis town centre in order to enhance the sustainability of the site.

In order to establish the principle of the proposed development it will be necessary to assess the proposed development against the policy requirements of H SP1, H SP2 and H SP2a.

The application site is located within the built-up area boundary (BUAB) as defined by policy SD SP2 and forms part of strategic allocation SD2 and seeks outline planning permission for up to 300 dwellings with an 80 bed care home. Therefore, this application in conjunction with P/134/17/OUT will equate to a total of 580 dwellings of the 800 identified by strategic allocation SD2 (H SP2a) and accords with Policy H SP1 of the Arun Local Plan (2011-2031).

The original application (under reference P/6/17/OUT) and this application includes sufficient land for the delivery of a 2 form entry (FE) primary school should West Sussex have wished the school to be delivered on this site. Policy H SP2(c) identifies the need for a 1FE (expandable to 2) school to meet the primary education needs generated by the Pagham allocations. However, the preferred location for the primary school has been identified as Summer Lane (P/140/16/OUT) by West Sussex County Council (WSCC) as this would provide a primary school facility closer to the centre of Pagham. Planning application P/140/16/OUT has been approved and as such this site will need to make financial contributions towards the delivery of the primary school but there is no requirement for the application to provide land to deliver this facility as part of this application. Therefore, this application as demonstrated later in this report will accord with policy H SP2(c) of the Arun Local Plan.

Planning application P/140/16/OUT (previously approved) has incorporated 2,000sqm of A1/A2/A3/D1/sui generis floor space which would provide a community hub and address the requirements of policies H SP2 (i) and (f) and H SP2a (e. i) of the Arun Local Plan. Therefore, there is no requirement for the inclusion of a local centre as part of this application although it will be necessary for the development to provide walkable access to local centres and facilities in accordance with policy H SP2 (j) of the Arun Local Plan. The proposal incorporates 3 pedestrian access points onto Hook Lane linking with the existing footpath network and will provide suitable pedestrian access to existing facilities. Therefore, the proposed development will enhance integration with existing communities and provide opportunities for walking to nearby facilities and services in accordance with policy H SP2 (g) as well as policy T DM1 of the Arun Local Plan.

Views of the site will be restricted by existing field boundary planting which is proposed to be reinforced with new woodland planting along the northern and western boundaries of the site. Development is also set back from the junctions of Hook Lane and Pagham Road through the provision of open space in the form of 'Sefter Green' and 'Hook meadow' in the north-east and south-west corners of the site (as shown on the indicative Landscape Masterplan - 167/P/003 Rev D). The application was accompanied by a Heritage Assessment which considered measures to assess any likely archaeological remains and considered that the proposal would have a negligible impact on the setting and significance of designated heritage assets. It has been concluded later in the report that the proposals will not result in any harm to the significance or setting of any nearby heritage assets. Thus, the proposed development accords with policies H SP2 (c), (m) and H SP2a (b) of the Arun Local Plan.

The Council's Ecological Advisor has advised that subject to appropriate conditions the proposed development would not result in an unacceptably adverse impact upon biodiversity or ecology at the site. The application site is situated approximately 1.9km to the north-east of the Pagham Harbour SPA/Ramsar and as such it is necessary, in accordance with the Birds and Habitats Directives, to consider the impact of the proposal upon the integrity of the SPA/Ramsar site. The Local Planning Authority instructed Ecological Planning & Research Ltd (EPR) to undertake a Habitat Regulations Assessment on behalf of the LPA. The Appropriate Assessment has concluded that, providing avoidance and mitigation measures are secured and implemented, the development would result in no adverse effect upon the integrity of Pagham Harbour SPA/Ramsar. As such the development accords with policy H SP2a (a) of the Arun Local Plan. The proposals compliance with Policy ENV DM2 is considered in detail later in the conclusion to this report.

The Design and Access Statement has demonstrated how green infrastructure has been incorporated throughout the development, with small greens, meadows and linear green features providing buffer planting. The design code masterplan (which will be secured via condition) will need to demonstrate how planting will be incorporated throughout the site. Financial contributions have been secured as part of the S106 agreement towards the enhancement of footpaths 101, 104 and 106 to create an off-road cycle route towards Chichester (via south Mundham). Therefore, the proposal will accord with policy H SP2 (d) and (e) as well as policy H SP2a (f) and (g) of the Arun Local Plan.

A Sustainability Appraisal was undertaken in support of the Arun Local Plan with the site being considered sustainably located. The site is located within acceptable walking distance of existing facilities and those proposed by nearby developments (incorporating a scout hut, primary school and community hub). Bus stops are situated to the south and east of the application site on Hook Lane and Pagham Road and are within acceptable walking distances. Therefore, the proposal accords with policy H SP2 (j) of the Arun Local Plan.

Financial contribution are to be secured towards highway infrastructure via the s106 agreement, these contributions are sufficient and adequate to mitigate against any highway impacts generated by the proposed development in accordance with policy H SP2 (k) of the Arun Local Plan. Highway matters have been considered in greater detail later in the conclusion to this report.

However, the applicant has identified additional measures to address the previous concerns of the Development Control Committee in the refusal of P/6/17/OUT. These additional measures would take the form of an obligation to monitor safety on the Pagham Road corridor to the A27. This monitoring would be undertaken prior to the commencement of development; upon occupation of the 150th dwelling; and upon full occupation of the site. Should it be identified that following full occupation there is a material increase in the number or severity of incidents occurring along the corridor that is significantly different from the historic data then a sum of £100,000 (secured via bond) will be available to WSCC to implement measures considered appropriate by the Local Highway Authority to improve safety along the road corridor.

Officers do not consider the additional mitigation measure identified above are necessary to mitigate the impact of the proposed development upon the operation of the highway network. Therefore, these measures were not a material consideration in the preparation of this recommendation report. However, should members consider the original mitigation package insufficient to mitigate the impact of the proposed development upon the safe operation of the highways network then the additional mitigation proposed by the applicant must be considered by the Committee in the determination of this application.

The Council's Drainage Engineers have been consulted in relation to the proposed drainage strategy and no objection has been raised. Conditions have been requested by the Council's Drainage Engineers and these have been included as part of the recommendation (see condition no's. 10,11, 12, 13 and 14). This has included the requirement for winter groundwater monitoring to be undertaken prior to the commencement of development which will ensure that the detailed drainage design takes account of site specific conditions. Therefore, subject to the inclusion of these conditions the proposed development will accord with policy H SP2 (l) of the Arun Local Plan. Surface and foul drainage have been considered in further detail later in the conclusion to this report.

A number of financial contributions will be secured towards infrastructure provision via the S106 agreement. These contributions are detailed in the attached Heads of Terms and considered in detail later in the conclusion to this report. However, based upon the contributions to be secured the proposals will accord with H SP2 (n) of the Arun Local Plan. The Infrastructure Delivery Plan (IDP) 2017 does not identify the requirement for any district wide infrastructure to be incorporated as part of the strategic allocations at Pagham and as such the proposals does not conflict with policy H SP2 (o) of the Arun

Local Plan.

No desire has been expressed by the applicants to incorporate self-build or custom build dwellings at the site and no evidence has been submitted in support of the application detailing any considered of the incorporation of an area of Gypsy and Traveller accommodation. However, policy H SP2 only requires consideration and does not require inclusion and as such the proposal is not considered to conflict with policy H SP2 (p) and (q) of the Arun Local Plan.

As identified above, the proposed development will accord with policies H SP1, H SP2 and H SP2a of the Arun Local Plan. Therefore, the principle of the proposed development is acceptable subject to accordance with relevant policies contained within the Arun Local Plan and the National Planning Policy Framework (NPPF).

ILLUSTRATIVE LAYOUT AND DESIGN

Policy H SP2 of the Arun Local Plan requires that Strategic Site Allocations must be comprehensively planned and should have regard to a masterplan endorsed by the Council for the respective areas incorporating high quality imaginative design giving a strong sense of place and a permeable layout. It also requires strategic allocations to (amongst other matters) integrate with the surrounding communities, provide well connected green spaces, provide improvements to existing village centres and deliver infrastructure.

This outline application only relates to access with layout, scale, appearance and landscaping being reserved matters. Therefore, the Design and Access Statement submitted in support of the application is only indicative but does show that the site can accommodate the scale of development proposed whilst providing adequate open space provision and respecting the site's location on the edge of the settlement.

The application is supported by a Design and Access Statement which clearly demonstrates how the indicative layout was arrived at and adequately demonstrates that the proposed development can be efficiently accommodated on site. The Design and Access statement has identified the opportunities and constraints present at the site and responded to these with the design of the development.

The Design and Access Statement shows the sites vehicular access from Hook Lane and Pagham Road along a central spine road with pedestrian accesses being provided onto Hook Lane and Pagham Road. The indicative layout will achieve acceptable walkable access to community, recreational and shopping facilities both within the proposed development and outside of the site boundaries in accordance with H SP2 (f), (i) & (j) of the Arun Local Plan.

The site proposes approximately up to 9.6ha of residential development, 0.4ha for a D1 use (potential for nursery or health facilities as required) and 0.55 ha for a care home or specialist housing for the elderly, with 6.65ha of open space, structural planting and habitats. The Design and Access Statement establishes key principles to inform the development including permeability, street design, scale and external appearance.

The indicative layout shows the care home and D1 use situated in the southernmost portion of the site with the main route through the site running from the south-western corner to the north-eastern corner of the site, the majority of the residential development proposed is situated to the east of this primary road. The bulk of the green infrastructure is situated in the north-western corner of the site with a buffer strip running the full length of the eastern boundary. A 20m wider green buffer is shown on the western boundary providing separation between the development and the countryside to the west of Pagham Road as well as providing a green infrastructure link.

The Design and Access Statement submitted in support of the application identifies that the site will accommodate up to 300 dwellings, with development being up to 2 storeys in height with a maximum ridge height of 9.5m which is likely to be acceptable depending upon the detailed design of the layout. However, it should be noted that the scale of development is not for determination as part of this outline application.

The proposed development is only considered to have limited impacts on long and medium range views of the site from the west and north. These views will be predominantly limited to the roof tops of the proposed dwellings and it should be noted that the existing residential development to the east of Hook Lane already has a similar presence and impact upon long range views to that of the proposed development.

From Hook Lane to the east of the application site views across the site will be possible. Whilst in places the boundary screening can reach up to 2m in height there are portions of the boundary devoid of treatment or with hedging below 1.2m in height. Therefore, the development proposed will have a significant presence within the street scene when viewed from Hook Lane. However, whilst an impact upon existing views to the west would exist this alone does not result in unacceptable harm to the character of the locality.

The east of Hook Lane for the majority of its length features residential development up to 2 storeys in height and subject to appropriate design the development will appear as an acceptable continuation of the existing built environment. The existing agricultural field (the subject of this application) is separated from the wider countryside to the west and north by Pagham Road and Sefter Road respectively.

This separation from the open countryside is further enhanced by virtue of the existing residential development to the north-west of the application site and the Barfoots of Botley site further to the north-west. Additional residential properties and the Mill Farm residential park homes site are situated to the south-west of the site (west of Pagham Road). Therefore, the development of the proposed site will not result in unacceptable harm to the semi-rural character of the locality with the proposed development appearing well integrated with the existing built environment.

The application was considered at a Design Review Panel (May 2017) which highlighted that the indicative proposal fails to integrate with the existing village along Hook Lane and Pagham Road and that more interconnectivity could be introduced between the site and surrounding streets. The Panel also highlighted that the internal movement network needed to be further refined, green spaces reworked to redistribute the spaces more evenly across the site. Concern was also raised about the proposed mound within one of the green spaces, as it would be out of character with the location. Scope was also identified for the built form of the development to reinforce and help animate key spaces within the layout.

With layout, scale and appearance being reserved matters the comments from the Panel can be addressed at reserved matters stage, as they will need to be balanced against other considerations, for example, the need for hedgerow retention and a noise buffer to Hook Lane.

The LPA will not accept a generic housing estate adjacent to the countryside and the developer will be expected to undertake the necessary work to achieve a development of the highest possible quality which reflects the character of the locality. A condition has been incorporated with the approval requiring the submission and approval by the LPA of a 'Design Code Masterplan' prior to the submission of any reserved matters application. It is a requirement of the condition that this document will reflect the principles established within the Design and Access Statement submitted in support of this application in accordance with the comprehensive masterplanning requirements of policy H SP2.

The development framework plan in conjunction with the Design and Access statement demonstrates that the development has been adequately master planned in accordance with policy H SP2 of the Arun Local Plan. Given the isolated nature of the allocated sites within Pagham that an overarching masterplan for the allocation would not be of sufficient value, so long as pedestrian linkages have been adequately addressed and considered.

With layout, scale and appearance being reserved matters there is no requirement at outline stage to undertake a detailed analysis of the indicative information provided. However, the indicative information provided adequately demonstrates that the proposed development can be accommodated on the site and designed in a way which will ensure that the established character of the locality is respected in accordance with policies D DM1 and D SP1 of the Arun Local Plan.

EMERGING PLANS

Officers confirmed to Pagham Parish Council on 18 July 2019 that this application was to be presented to Committee. On 19 July 2019 the 'Pagham Development Management Plan 2019-2026' was published. The Plan contains four policies; one of which seeks to designate large parts of the strategic allocation in the Local Plan as site as Local Green Space. The PNP has been published under regulation 14 with the revised consultation period running until 5pm on the 31st August 2019.

Given the recent publication of the plan and its conflict with the NPPF the PNP can only be attributed exceptionally limited weight at this time. It must also be highlighted that the PNP in its current format is not considered to be in general conformity with strategic local policy (as set out below) in conflict with Paragraph 036 (Reference ID: 41-036-20190509) of the Planning Practice Guidance.

Neighbourhood Plans should not re-allocate sites that are already allocated through strategic plans and that the National planning policy states that it should support the strategic development needs set out in strategic policies for the area, plan positively to support local development and should not promote less development than set out in the strategic policies (see paragraph 13 and paragraph 29 of the National Planning Policy Framework). Nor should it be used to constrain the delivery of a strategic site allocated for development in the local plan or spatial development strategy." (Paragraph 044 Reference ID: 41-044-20190509).

Irrespective of the above conclusions on weight, it is necessary, in accordance with Section 70(2) of the Town and Country Planning Act 1990 (as amended), for the Local Planning Authority to consider the proposed developments compliance with the policies contained within the PNP so far as they are material to the application.

DM Policy 1 of the PNP states that major development will be permitted in Pagham where any application for such development is supported by sufficient evidence at the date of submission to demonstrate that the development proposed will meet the social, economic and environmental objectives set out in the NPPF at paragraphs 8 and 9 and will meet the requirements of other policies in this plan. Therefore, the proposal accords with the requirements of DM Policy 1 of the PNP as at the time of submission the application was supported by the Sustainability Appraisal prepared in support of the Arun Local Plan which has been the subject of consideration at Examination in Public. It is also considered that the proposed will not conflict with DM Policies 2, 3 and 4 as set out below.

DM Policy 2 relates to Local Green Space and identifies that land shown on the Plan at Appendix 1, of the PNP, is designated as Local Green Space and all development proposed for land within this area will be considered to be inappropriate and will not be permitted unless specific criteria are met. The site the subject of this application is not identified on the Plan at Appendix 1 of the PNP and as such the proposed development will not conflict with DM Policy 2 of the PNP.

DM Policy 3 of the PNP identifies that major development in the plan area will not be permitted unless it can be demonstrated that significant harm to Pagham Harbour resulting from the development cannot be avoided through locating on an alternative site with less harmful impacts; that it can be demonstrated that the harm that it will cause to Pagham Harbour can be adequately mitigated or as a last resort compensated for by way of measures to be implemented; that proposals for major development that rely on and propose connection to the existing foul water sewer network that connects to Pagham Waste Water Treatment Works (WwTW) can demonstrate that there is sufficient capacity or that material considerations indicate otherwise. It is also stated that major development that proposes network reinforcement which will enable foul sewerage discharge to waste water treatment works located outside of the plan area will not be permitted unless it can be demonstrated at submission that such network reinforcement will be available before the development is occupied.

DM Policy 3 is not in general conformity with the Arun Local Plan and is also considered to conflict with paragraph 175 of the National Planning Policy Framework. A written submission was prepared by the Secretary of State concerning the application of Paragraph 175 of the NPPF by order of Mr Justice Holgate in relation to Ground 4 of the judicial review (Claim No. CO/50/2019) concerning planning application P/140/16/OUT.

It was identified by the Secretary of State that the issue raised by the Claimant under Ground 4 (namely the failure to satisfy the 'mitigation hierarchy' set out in paragraph 175 of the NPPF) has already been resolved against the Claimant by the Courts in R (Buglife) v Thurrock TGDC EWCA Civ 29 and R (Prideaux) v Bucks CC EWHC 1054 (Admin).

It was submitted by the Secretary of State that the judgements in these cases are directly applicable to the construction of paragraph 175(a) of the NPPF. Therefore, paragraph 175(a) is not to be read as if it were a statute imposing a strict, sequential hierarchy, where a decision-maker is required artificially to close its mind to mitigation when considering whether the development would cause significant harm to biodiversity. A common-sense approach should be adopted, as set out in Buglife and Prideaux. This is consistent with the Courts' general approach to the interpretation of policy, namely that a measure of flexibility must be applied in the construction of planning policy and a legalistic approach to the interpretation of policy must be avoided.

It was further highlighted in the Secretary of State's submission that when considering if a development would result in significant harm to biodiversity for the purposes of paragraph 175(a), a decision-maker is entitled to take into account mitigation. Mitigation is not to be taken into account only if it has been shown that there are no alternative sites on which the development could be located.

Therefore, DM Policy 3 conflicts with the intentions of paragraph 175(a) of the NPPF. In the determination of this application the appropriate assessment has shown that significant harm to biodiversity, through increased recreational disturbance and water quality impacts, can be avoided (and not just reduced or minimised) through mitigation. With mitigation having been considered there would be no "significant harm to biodiversity". As such, where significant harm to biodiversity could be avoided through mitigation the decision-maker is not obliged by Paragraph 175(a) to consider whether the development could be located on an alternative site with less harmful impacts.

As such, the proposed development is acceptable and appropriate mitigation can be secured through appropriately worded conditions and s106 obligations.

DM Policy 4 states that development within the plan area will not be permitted unless and until it has been demonstrated that the transport, social, environmental and economic infrastructure that is necessary to make the development acceptable in planning terms will be delivered within the plan area before the development proposed is anticipated to be occupied. This policy has failed to take into

consideration that the planning impact of the development upon transport, social, environmental and economic infrastructure can be properly addressed through the use of conditions and s106 contributions with appropriate triggers. Therefore, given the trigger points identified the impact of development will be adequately mitigated.

RESIDENTIAL AMENITY

Given that this application has been submitted in outline and relates to access only it is not necessary or possible to make a full analysis of the potential residential amenity impacts of the development. Nevertheless, given the separation distances between the existing residential development to the east of Hook Lane and the separation distances shown on the indicative layout plan to existing residential development to the north-west of the application site there would not be any unacceptably adverse overbearing, overshadowing or overlooking impacts (subject to appropriate design, fenestration arrangements and scale).

It is acknowledged that the proposed development will likely give rise to some adverse impacts upon existing views from nearby residential properties. However, the loss of a private view is not a material consideration in the determination of a planning application.

The impacts of noise upon the residential amenity of future occupiers has been considered in the Noise Assessment (Dec 2016) submitted in support of the application. The report has identified that traffic noise from Hook Lane, Sefter Road and Pagham Road is the most significant noise source. The site has been identified as falling mostly within acceptable limits. Mitigation measures have been identified to ensure that internal noise levels are acceptable and with the inclusion of window glazing the maximum internal noise level would be 22.7dB during the daytime and 17.4dB at night which accords with BS 8233. The Council's Environmental Health department have been consulted in relation to this application but no comments have been received. However, they were consulted on the previous application under reference P/6/17/OUT and no objection was raised in relation to the same development as that proposed by this application.

Some disturbance is anticipated during development of the site and an appropriately worded construction management condition has been incorporated as part of the recommendation and such a condition would provide adequate control to minimise disturbance during development.

Therefore, the proposed development would not give rise to any unacceptably adverse harm to the residential amenity of existing nearby residential properties or future occupiers of the site in accordance with policy D DM1 of the Arun Local Plan.

Policy QEDM2 of the Arun Local Plan requires proposals which involve outdoor lighting to be accompanied by a lighting scheme prepared according to the latest national design guidance and relevant British Standards. The Design and Access Statement includes principles for the design of street lighting which would form the basis for a external lighting scheme. A condition has been included requiring the submission of a scheme for external lighting in accordance with Institution of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light, Obtrusive Light Limitations for Exterior Lighting Installations for Zone E3. Therefore, subject to inclusion of the proposed condition the proposal will accord with policy QE DM2 of the Arun Local Plan.

Paragraphs 112 - 116 of the NPPF refers to advanced, high quality and reliable communications infrastructure as being essential for economic growth and social well-being. Therefore, the provision of broadband for future occupiers on site is essential and as such a condition has been incorporated within the recommendation requiring the submission of a strategy for the provision of broadband to be submitted and approved by the Local Planning Authority prior to the commencement of development.

HOUSING MIX

The application is in outline and has not identified an indicative housing mix for the proposed development. Policy H DM1 states that the tenure mix for development schemes should be negotiated on a case by case basis taking any necessary viability considerations into account. However, developments should have regard to the most up to date version of the Strategic Housing Market Assessment (SHMA). The proposal would include a range of 2 to 5 bedroom houses and would include both shared ownership and rented accommodation.

Paragraph 61 of the NPPF identifies that planning policies should secure dwellings of sizes, types and tenures to meet the needs of different groups within the community. This includes but is not limited to, families with children, older people, students, people with disabilities, service families and travellers.

Policy H DM1 identifies a requirement to secure housing that would meet the needs of older people. The 'Updated Housing Needs Evidence - September 2016' (PELVP23) paragraph 5.17 states that there is a requirement to secure both specialist housing for older people as well as residential and nursing home bedspaces (falling within use class C2). The application identifies that the site will accommodate a D1 use Care Home or similar facility. Therefore, the development has made provision for older people on site to help in meeting the increasing demand.

In addition a report was presented to the Planning Policy Sub-Committee on the 27th February 2019 relating to the provision of accommodation suitable for older people and people with disabilities. This report was approved and adopted as intermediate guidance and is currently the subject of public consultation. The report requires developments of more than 51 units to provide 50% of the dwellings to m4(2) (accessible and adaptable) standard with an additional two dwellings per 50 designed to m4(3) (wheelchair accessible) standard. Therefore, for a scheme of 300 dwellings the developer would need to provide 150 dwellings to m4(2) standard and an additional 12 dwellings to m4(3) standard. This requirement accords with policy H DM1 of the Arun Local Plan and paragraph 61 of the NPPF and will be secured via condition.

It is also expected that the development should incorporate single floor living such as bungalows or ground floor flats. It is expected that any reserved matters application will incorporate such accommodation to meet the needs of the community. In order to ensure that these needs are addressed a condition has been incorporated requiring the provision of accessible dwellings as part of any future reserved matters application.

Therefore, the proposed development accords with policies H DM1 and AH SP2 of the Arun Local Plan.

HIGHWAYS AND PARKING

Access Arrangements:

The application when originally submitted (under reference P/6/17/OUT) proposed three accesses, with the southernmost access onto Hook Lane serving the potential primary school. However, this southernmost access onto Hook Lane has been removed from the current proposals under consideration.

The application therefore proposes two accesses to the site with priority junctions proposed to the east (onto Hook Lane) and the west (onto Pagham Road). The vehicular accesses proposed will measure 6m in width reducing to 5.5m as it enters the site. The 6m wide access is sufficient to allow two large vehicles to pass and re-pass and is in accordance with the advice contained within manual for streets. The junction radii have been designed to accommodate the swept path of the largest vehicle which will enter the site on a regular basis (large refuse vehicle).

Planning application P/6/17/OUT originally proposed a right turn lane for the Pagham Road access.

However, it was identified within the initial Stage One Road Safety Audit (RSA) that the right turn lane could be used for overtaking. Therefore, the right turn lane has been removed in the interests of highway safety as shown on drawing number JNY8840-12 Rev A.

The revised vehicular access arrangements have been deemed acceptable by WSCC although it has been identified that the non-motorised accesses remain as an outstanding matter. However, it has been advised by WSCC that the non-motorised accesses along Hook Lane can be addressed through the use of an appropriately worded condition.

The application also proposes an extension of the proposed footway along the western edge of Hook Lane, to the north of the proposed access, providing a direct pedestrian link to the footway proposed under P/134/16/OUT as shown on drawing JNY8840/09D. The delivery of this footway will be secured via the s106 agreement.

The proposal also includes the provision of a bus layby to the east of Pagham Road to the north of the Hook Lane junction.

Policy T SP1 requires that appropriate levels of parking are provided in line with WSCC guidance, including considering the impact on street parking. The application is currently for outline permission with all matters reserved save for access. Therefore, parking provision and arrangement will be considered in detail at reserved matters stage, although it is indicated in the Planning Statement that it would accord with the minimum residential parking standards. The Design and Access Statement also details parking provision for both the residential units and the D1 use. It is expected that the applicant will consult with WSCC Highways and consider the WSCC Parking Demand Calculator (and any subsequent updates to this) in the preparation of any detailed design for the site. It is also a requirement for cycle storage to be provided on site. Any garages to be provided on site will be expected to have minimum internal dimensions of 3.0m x 6.0m and internal cycle racks or fixings should be provided in garages and properties without garages should be provided with cycle sheds in rear gardens.

Strategic Highways Network:

Highways England have been consulted on this resubmission and have maintained their position as set out in their consultation response to the original application under reference P/6/17/OUT. Advising that the development proposals can be achieved without detriment to the safe and efficient operation of the Strategic Road Network, subject to the agreed financial contribution of £255,000 towards the mitigation improvements at the A27 Whyke Hill junction being secured.

The financial contributions required for these enhancements have been identified by Highways England but will not be secured as a financial contribution via the S106 Agreement. Instead a non-financial obligation requiring the developer to enter into a section 278 agreement with Highways England will be a requirement of the s106 agreement.

Cumulative Impacts:

A Cumulative Transport Assessment (CTA) has been prepared to support the strategic allocations in Pagham, this was prepared collaboratively with planning applications P/134/16/OUT and P/140/16/OUT. The scope of the CTA was the subject of discussion and agreement with the Local Highway Authority (LHA).

The CTA has considered the impact of the proposed development, in conjunction with other developments in Pagham, on a number of junctions in and around the application sites.

There have been a large number of 3rd party objections submitted to the Local Planning Authority (LPA) regarding delays on the B2166 (Pagham Road) arising from slow moving traffic associated with other

uses. Whilst, these comments are acknowledged it must be considered that this is an existing issue and as such it is necessary to consider the additional impact of the proposed development upon the operation of the Highways Network beyond the existing situation. It is not the responsibility of the applicants of the current application to resolve existing highways issues but to mitigate the impact of their development.

The three CTA's submitted in support of P/134/16/OUT, P/140/16/OUT and P/6/17/OUT have been considered by the LHA and have been identified as being in accordance with current best practice. The majority of the conclusions within the CTA's are broadly comparable; there were notable difference in the anticipated future operation of the junctions. Most notable of which was Pagham Road/Sefter Road and a further review of the operation of this junction was identified as necessary.

For those junctions where mitigation is required, the proposed works or contributions are considered to mitigate the cumulative impacts of the development.

A further technical note has been submitted that reviews the operation of the Pagham Road/Sefter Road junction and this has been considered further by WSCC. The Consultation response (from WSCC) on application P/6/17/OUT dated the 27th March 2018 considered the revised modelling for the Pagham Road/Sefter Road junction which provided a single model of the junction, with the geometry and traffic flows within this having been agreed by all three applicants (P/134/16/OUT, P/140/16/OUT and P/6/17/OUT).

It was confirmed that the modelled results show that the Sefter Road arm of the junction will start to operate at theoretical capacity in the future without taking into account the proposed development. However, it was identified by WSCC that whilst the development would take the junction over capacity, Paragraph 109 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts are severe. It was acknowledged by WSCC in their consultation response to planning application P/6/17/OUT that whilst drivers will be subjected to minor additional delays this alone is not considered to constitute a severe impact for the purposes of paragraph 109 of the NPPF.

However, further mitigation measures have been identified through the Sensitivity Assessment commissioned by the Council and this is set out below.

Dougal Baillie Associates - Sensitivity Assessment

To ensure that the mitigation measures proposed are adequately robust and mitigate the impact of the proposed development upon the highways network commissioned an independent 'Sensitivity Assessment' undertaken by Dougal Baillie Associates (DBA).

The sensitivity assessment undertaken by DBA confirmed that the proposed mitigation works to the A27 Whyke Hill junction would address the impact of the Pagham developments provided that the works are implemented at the appropriate time. Therefore, the sensitivity analysis was focused upon the following key junctions;

1. B2145/B2166 roundabout;
2. B2166/Vinnetrow Road/Mill Lane roundabout;
3. Pagham Road/B2166 Lower Bognor Road priority junction;
4. Pagham Road/Sefter Road priority junction; and
5. Grosvenor Gardens/Rose Green Road/Nyetimber Lane/Gossamer Lane traffic signals.

The sensitivity assessment in this case has identified that;

1. The junction improvements proposed for junction 1 (above) would not entirely offset the impacts of the Pagham developments. However, relatively modest enhancement of the proposed roundabout approach widening would adequately offset the predicted impact.
2. The proposed physical improvements to junction 2 (above) would be sufficient to offset the cumulative traffic impact of the Pagham sites.
3. The sensitivity assessment revealed that simple signalisation of this junction would not be sufficient to offset development traffic impact, and widening of the southbound approach to two traffic lanes for a distance of 50m would also be required.
4. Signalisation of the existing junction would offset development traffic impact in conjunction with a localised speed limit.
5. The signal timings proposed in the Pagham Transport Assessments would accommodate the additional traffic generated by the proposed developments.

The sensitivity analysis commissioned by the LPA identified supplementary improvements to the following junctions and associated indicative costs;

- B2145/B2166 roundabout - £98,000
 - Pagham Road / Sefter Road - £140,000
 - Pagham Road / Lower Bognor Road - £250,000
- Total: 488,000

In addition to these modified works the following junction improvements identified within the applicants transport assessments are necessary;

- Rose Green Road widening - £81,000
 - B2166/Vinnetrow Rd. widening - £23,000
- Total: £104,000

Following the publication of the DBA sensitivity analysis the developers (for P/134/16/OUT, P/140/16/OUT and P/6/17/OUT) submitted an amended 'Common Statement of Cumulative Assessments'. Each of the developers agreed to undertake junction improvement works on behalf of the Local Highway Authority (LHA), as follows;

- P/134/16/OUT - Rose Green Road junction improvement
- P/140/16/OUT - B2166/ B2145 widening
- P/6/17/OUT - B2166/ Vinnetrow Road junction widening

The Common Statement of Cumulative Assessment identified cumulative contributions for each of the developments taking into account the associated costs of the junction improvements identified within the sensitivity analysis. Therefore, the developments will generate a combined highways contribution of £390,000 and a £100,000 contribution towards improvements of footpaths 101, 104 and 106 to provide a route from Pagham to Chichester via Sidlesham. As such, each developer will make the following adjusted contributions;

- P/134/16/OUT - Land North of Sefter Road - £88,142.29 & Footpath Contribution of £28,572.00
- P/140/16/OUT - Pagham South - £143,632.98 & Footpath Contribution of £40,816.00
- P/6/17/OUT - Land north of Hook Lane - £158,224.73 & Footpath Contribution of £30,612.00

The proposed junction improvements go beyond those originally identified and proposed by the applicants and are intended to achieve no net detriment as a result of the additional development traffic. The Community Infrastructure Levy Regulations 2010 set out that a planning obligation must be necessary to make the development acceptable in planning terms; directly related to the development;

and fairly and reasonably related in scale and kind to the development. Therefore, whilst existing issues are present on the highways network around Pagham it is not the responsibility of the applicant for this application to resolve these existing issues. Such a request would not be lawful against the Community Infrastructure Levy 2010.

Concerns were raised in relation to the CTA being out of date due to the proposed solution for the A27. This matter has been discussed with Highways England and it has been confirmed that the withdrawal of the national scheme from the roads programmed does not affect the financial contribution and mitigation previously agreed towards the A27 for this application, because the mitigation identified is not dependent upon the implementation of the large off-line improvements.

The Council also commissioned an independent Road Safety Audit (RSA) Review to assess the RSA submitted in support of this planning application. The Report concludes that the accesses onto Pagham Road and Hook Lane have been the subject of a Stage 1 RSA in accordance with good practice. The accesses and Stage 1 RSA have been reviewed by the Local Highway Authority (WSCC - LHA) who raised no objection to the development proposal subject to conditions. The Report identified an issue with the lack of a formal RSA brief which was not submitted to the LHA for approval. Nevertheless, the Report concludes that the subsequent reviews by the RSA team and the checks undertaken by the LHA have not identified any outstanding significant road safety risk which cannot be resolved as part of the detailed design. Further checks on road safety issues should be considered as part of a Stage 2 RSA on the detailed design and the Report recommends that a formal brief for this next stage is submitted to the LHA prior to it being undertaken.

The Report therefore recommends that a Stage 2 Road Safety Audit be carried out on the detailed design prior to discharge of planning conditions on all the proposed highway works. A Stage 2 RSA brief should also be submitted to and approved by the LHA before this is carried out.

Based on the findings of the RSA Audit Review, there are not considered to be any outstanding safety issues associated with the proposed accesses that will not be satisfactorily addressed through the proposed conditions and at the detailed design stage through the Stage 2 RSA. A condition relating to the submission of plans and details of the proposed pedestrian and cyclist access points for approval is recommended.

However, the previous application was refused, by the Development Control Committee on the 23rd January 2019 contrary to officer recommendation, due to the increase in vehicle movements exacerbating the capacity issues on the local highway network and the mitigation measures being insufficient to overcome the safety concerns resulting from the additional vehicle movements. In order to overcome the previous reason for refusal the applicant has identified possible additional mitigation.

This additional mitigation, if considered necessary by the Committee, would take the form of an obligation (as part of the S106 agreement) to monitor safety on the Pagham Road corridor to the A27. This monitoring would be undertaken prior to the commencement of development; upon occupation of the 150th dwelling; and upon full occupation of the site. Should it be identified that following full occupation there is a material increase in the number or severity of incidents occurring along the corridor that is significantly different from the historic data then a sum of £100,000 (secured via bond) will be available to WSCC to implement measures considered appropriate by the Local Highway Authority to improve safety along the road corridor.

The mitigation package as originally proposed in the determination of P/6/17/OUT is considered appropriate and sufficient to address the impacts of the proposed development upon the safe operation of the highways network in accordance with policies T SP1 and H SP2(k) of the Arun Local Plan. However, should members disagree with this conclusion then the additional mitigation measures

(monitoring and financial contribution) would need to be taken into consideration in the determination of this application.

EDUCATION

Policy INF SP1 of the Arun Local Plan states that the Local Planning Authority will support development proposals which provide or contribute towards the infrastructure and services needed to support development (including the necessary infrastructure set out in the Infrastructure Delivery Plan).

In terms of education provision within the Infrastructure Delivery Plan (IDP) dated February 2017 it is identified that Pagham north and south should make provision of land and contributions towards a new 1FE primary school (expandable to 2FE) to serve Pagham; contributions towards the 10FE Secondary School located centrally within the District; and contributions towards 50 new nursery places to serve Pagham.

The IDP identifies a total cost of £6million for the construction cost of the new primary school and appropriate contributions have been secured from each of the allocated sites in Pagham towards the delivery of the new primary school. West Sussex County Council (WSCC) in their Section 106 contributions response for P/6/17/OUT dated the 24th April 2018 identified a financial contribution of £1,566,600. A 2 hectare site to facilitate the construction of the new primary school will be secured via planning application P/140/16/OUT. The preferred primary school site is suitably located within Pagham and will be accessible by future occupiers of the strategic allocations as well as existing Pagham residents. The financial contribution and school site will be secured via the s106 agreement.

Therefore, following the approval of P/140/16/OUT the primary school land has been secured and IDP compliant financial contributions are to be secured from this application to delivery the primary school.

The IDP identifies a total contribution of £1,896,000, from the 1,200 unit Pagham strategic allocation, towards the creation of 50 new nursery places. Therefore, WSCC have requested a financial contribution of £470,250 from this development, in accordance with the IDP 2017, which will be secured via the s106 agreement.

The IDP 2017 identifies a financial contribution from the 1,200 unit strategic allocations at Pagham north and south of £5.27 million towards the 10FE Secondary school to serve the district (6FE expandable to 10FE). WSCC in their consultation response, dated 9th May 2019, have identified that the secondary contributions secured from this development should be directed towards design and feasibility work for the provision of the new secondary school serving Arun District. The financial contributions requested by WSCC align with those previously requested from the original application under reference P/6/17/OUT. Therefore, the proposal would contribute towards the necessary infrastructure identified within the IDP 2017 as required by policy INF SP1.

A financial contribution has also been requested by WSCC towards sixth form education and this contribution will be directed towards the expansion of Felpham Community College Sixth Form.

Therefore, the proposed development (in terms of education provision and contributions identified) will accord with policies H SP2(n), H SP2a and INF SP1 of the Arun Local Plan.

HEALTH CARE PROVISION

Policy H SP2a (e) (iv) requires the strategic allocations at Pagham (SD1 & SD2) to provide contributions towards new healthcare facilities at West of Bersted (SD3) or alternatively where appropriate proposals may make contributions towards new facilities or improvement or expansion of the relevant existing facility, subject to agreement with the Council.

The Consultation response from the Coastal West Sussex Clinical Commissioning Group dated the 2 April 2019 has requested a financial contribution to Grove House GP Surgery for GP consultant rooms and working with new facilities in Bognor Regis. This proposed project accords with the requirements of policy H SP2a (e) (iv) of the Arun Local Plan and accords with the requirements of the IDP 2017.

However, in order to ensure that the needs of future residents are best met through health care provision the Section 106 agreement has been worded to secure various potential health care solutions. This includes the provision of a new health care facility as part of the West of Bersted (SD3) strategic allocation; the expansion or improvement of Grove House GP Surgery; or the expansion or relocation of Sir Arthur Griffith clinic located in Pagham.

Therefore, the proposal would accord with policy INF SP1 of the Arun Local Plan.

OPEN SPACE AND PLAY PROVISION:

The indicative masterplan incorporates a total open space provision of approximately 6.65ha which exceeds the Fields in Trust Standards by approximately 4.13ha. Therefore, the open space provision proposed by this development is acceptable and is in accordance with policy OSR DM1 of the Arun Local Plan.

The design and siting of the on-site play facilities will be secured at reserved matters stage. However, the s106 agreement requires the submission of a Public Open Space Scheme which will incorporate the location and specification of any children's play areas and that these facilities shall be completed prior to the occupation of 75% of dwellings within a phase. The Public Open Space Scheme will also secure details of the play provision on site and details of how 9 'play experiences' will be accommodated on site. A proportional financial contributions towards providing fencing around the existing Multi Use Games Area (MUGA) at Avisford Recreation Ground will also be secured.

In lieu of on-site playing pitch provision a financial contribution has been secured towards the enhancement of existing playing fields and changing facilities at Avisford recreation ground, Westmeads recreation ground and Hawthorn Road recreation ground. This contribution is considered to accord with policy OSR DM1 (2) (b) of the Arun Local Plan.

Financial contributions have also been secured towards leisure provision within the district with contributions towards Swimming, Sports Halls and 3G Pitches being secured. The swimming and sports halls contributions will be directed towards the Arun Leisure Centre (Felpham Way, Bognor Regis). The Arun Leisure Centre is situated within 10 minutes' drive time of the development site which accords with Sports England recommendations on travel times for leisure facilities. The 3G pitch contribution will be directed towards the provision of a new 3G pitch to serve the western half of the district (within the catchment of Pagham) specifically to provide the base layer and pitch surface. Given the contributions which have been secured the proposed development accords with policy OSR DM1 and HWB SP1 of the Arun Local Plan.

GREEN INFRASTRUCTURE

Policy GI SP1 states that the existing Green Infrastructure Network (as shown on the Green Infrastructure Maps for each parish and town) must be considered early in the design process for all major development proposals. The policy goes on to state that all major development must be designed to protect and enhance existing Green Infrastructure assets in order to ensure a joined up Green Infrastructure Network.

There is a conflict between the adopted Arun Local Plan policies map with the Green Network Maps for Pagham with the Strategic Allocations being located on land identified as 'Gaps between settlements'. However, in this instance the statutory Development Plan must prevail. The Arun Local Plan identifies

that the built up area boundary (BUAB) incorporates the strategically allocated site and as such it is not situated within a 'gap between settlements'. Policy SD SP3 (e) confirms that development will only be permitted within gaps if a subsequent DPD or Neighbourhood Plan deems it appropriate through an allocation.

The Green Network Maps predate the strategic allocations and it is identified under paragraphs 7.3.4 and 7.3.12 that the Green Network Maps and Strategic Gap maps contained within the Green Infrastructure Study will need to be updated but this has not happened yet.

Irrespective of the above the supporting text under paragraph 7.2.1 of the Arun Local Plan identifies that the protection of the countryside is the fixed extent of the existing built development and is defined as all land outside of the Built up Area Boundary. Therefore, given the location of the site within the Built up Area Boundary it cannot be considered that the site falls within a gap between settlements. However, it is nevertheless necessary to consider the overall Green Infrastructure Network quanta and its connectivity, and the impact of the proposal upon this.

In this case the application is only considering access with all other matters reserved (including layout). However, the indicative layout has identified a total open space provision on site of approximately 6.65ha with a green corridor running along the western boundary of the site with extensive tree planting shown. Therefore, the indicative layout has considered and demonstrated the retention of a joined up green infrastructure network.

Policy GI SP1 also identifies that the Green Infrastructure Network must be protected from light pollution to ensure that the areas defined by their tranquillity are protected from the negative effects of light in development. A condition has been included as part of this recommendation which requires the submission of a lighting strategy which will allow the Local Planning Authority to consider the impact of lighting in detail.

Therefore, the proposed development accords with policy GI SP1 of the Arun Local Plan.

ADDITIONAL INFRASTRUCTURE CONTRIBUTIONS

Additional infrastructure contributions have been secured towards libraries, fire & rescue, police and leisure facilities. These financial contributions and the identified projects are deemed to accord with the Community Infrastructure Levy Regulation 123 and meet the demand and need generated by the proposed development in accordance with policy INF SP1 of the Arun Local Plan.

Full details of the contributions secured are provided in the heads of terms attached to this report.

AGRICULTURAL LAND

The Natural England 'Agricultural Land Classification map London and the South East (ALC007)' identifies the site being classified as Grade 2 agricultural land.

The Ministry of Agriculture, Fisheries and Food 'Agricultural Land Classification - October 1988' identifies Grade 2 as 'very good quality' and Grade 3 as 'good to moderate quality'. The NPPF (paragraph 170b) requires that the Local Planning Authority takes into account the economic and other benefits of this type of land.

The application was accompanied by an Agricultural Land and Soil Resources Report provided more detail on the quality of the soils which confirms that the soil on site is classified as Grade 2 (58%), 3a (36%) and 3b (6%). Therefore, the site comprises 17.3ha of best and most versatile (BMV) agricultural land.

The application site has been allocated for residential development under policies H SP1 and H SP2a of the Arun Local Plan and has been the subject of significant assessment prior to allocation. Therefore, this provides sufficient evidence that alternative options for the location of this strategic allocation have been explored and subjected to a Sustainability Appraisal process to select the most sustainable sites. The Arun Local Plan (2011-2031) Sustainability Appraisal recognised that most of the undeveloped coastal plain within the District is high grade agricultural land and that the majority of the strategic allocations would have a significant negative effect on the objective of avoiding the loss of 'best and most versatile' (BMV) land. The loss of BMV is one factor in the site selection and decision making process.

Policy SO DM1 of the Arun Local Plan states that development will not be permitted on this type of land unless 'designated by this plan' or unless the need for the development outweighs the need to protect such land in the long term. As the site is a strategic allocated within the Local Plan the proposal would not be the subject of assessment under policy SO DM1.

AFFORDABLE HOUSING

For all developments over 11 residential units the Council requires a minimum of 30% affordable housing on site, as set out in Policy AH SP2 of the Arun Local Plan. Policy AH SP2 of the Arun District Local Plan (2011-2031) identifies the following mix of affordable homes (unless evidence indicates otherwise):

- 1 Bed - 35-40%
- 2 Bed - 30-35%
- 3 Bed - 20-25%
- 4 Bed - 5-10%

The proposed affordable housing provision has been the subject of consultation with the Council's Housing Strategy and Enabling Manager. A consultation response has been received and it has been concluded that the proposed 30% provision would accord with the requirements of AH SP2. It was also identified in the response that the Council would wish to secure 30% affordable housing from the care home element. However, as the care home would fall within use class C2 (as identified in the application) the Council would not be seeking to secure any affordable units from the care home element of the proposal.

Therefore, the affordable housing provision and tenure mix is acceptable and will accord with policy AH SP2 of the Arun Local Plan subject to the completion of the s106 agreement.

ECOLOGY AND BIODIVERSITY

The application is accompanied by an Ecological Appraisal (January 2017) which has considered the ecological interests of the application site and the importance of the habitats present in accordance with current guidance. The Ecological Appraisal has considered mitigation measures as well as ecological enhancements. The application has also been supported by a 'Phase 1 Walkover & Badger Technical Note' dated February 2019. This additional statement provides ecological updates from those surveys previously undertaken and report in the Ecological Appraisal (2017) and documents any changes in the habitats from those previously recorded, which might coincidentally effect the assemblages of protected or notable species.

The updated Phase 1 Habitat Survey concludes that there was no significant change in the composition or structure of habitats from the initial Phase 1 assessment undertaken and that the original assessment remains accurate and reliable for the purposes of assessing the conservation value of the site as a whole. It was further concluded that the assessment of protected species utilising the site was also unlikely to have changed over the intervening period, owing to the minimal changes of certain habitats.

The hedgerows on site are used by bats for commuting and foraging and will need to be retained and

enhanced for bats. This will need to include a buffer strip around hedgerows during construction with fencing used to ensure that these areas are undisturbed. It has also been highlighted, by the Council's Ecological Advisor, that none of hedgerows H1, H2 and H3 should be removed and an additional 20m of hedgerow planting should be undertaken. The lighting scheme should also be designed to take into account the presence of bats.

Water voles were found to be using the ditches on site and as such a condition has been incorporated with the recommendation requiring the submission and approval of adequate mitigation measures prior to the commencement of development on site. The submission of this detail has been secured via condition 32.

A reptile survey accompanied the application showing that a moderate population of reptiles resides onsite. Due to this mitigation has been proposed within the Ecology Appraisal in support of the application. It has been confirmed by the LPAs Ecological Advisor that the mitigation proposed is suitable and should be secured via condition.

Due to the proximity of the site to the Pagham Harbour SPA it has been advised that any features suitable for nesting birds should be retained and enhanced. Any vegetation clearance on the site should only be undertaken outside of the bird breeding season which takes place between the 1st March and 1st October.

The proposed development has been considered by the Council's Ecological Advisor who has raised no objection to the proposed development subject to the imposition of conditions, including the submission of a detailed mitigation and enhancement strategy prior to the commencement of development.

Therefore, subject to the proposed conditions the development will not give rise to any unacceptably adverse effects to ecology or biodiversity at the site. The proposed development subject to appropriate conditions (included with this recommendation) accords with policy ENV SP1, ENV DM1 and ENV DM5 of the Arun Local Plan.

TREES

An Arboricultural Assessment has been submitted with the application. The Tree Officer (in their consultation response to P/6/17/OUT) recommended that the removal of hedgerows for achieving sightlines is minimised and losses are mitigated through replacement planting set out in a landscaping scheme. However, it has been identified that an Arboricultural Method Statement and Tree Protection Plan will need to be provided in support of the application at reserved matters stage. A condition has been incorporated as part of this recommendation report requiring the submission and approval of this detail prior to the commencement of development on site. Therefore, subject to this condition the objection of the Council's Tree Officer is overcome and the proposed development would therefore accord with policy ENV DM4 of the Arun Local Plan. The Council's Tree Officer also identified that a Tree Preservation Order (TPO) should be created at the site to protect a maturing oak in the hedgeline opposite 60 Hook Lane.

PAGHAM HARBOUR SPA/RAMSAR

Policy H SP2a (a) (SD1 and SD2) identifies that proposals will need to ensure no detrimental impact to Pagham Harbour SPA through compliance with policy ENV DM2 and its supporting text.

Policy ENV DM2 of the Arun District Local Plan states that within Zone B (0-5km) all new residential development which is likely to have an impact on Pagham Harbour will be required to;

- i. Make developer contributions towards the agreed strategic approach to access management at Pagham Harbour.

ii. Create easily accessible new green spaces for recreation within or adjacent to the development site. These shall be capable of accommodating the predicted increases in demand for local walking, including dog walking. Good pedestrian links shall be provided between existing housing areas and new and existing green spaces in order to discourage car use.

The supporting text under Paragraphs 17.1.18 - 17.1.22 of the Arun Local Plan includes relevant background information on the Pagham Harbour SPA/Ramsar and the means by which the Local Plan policies will ensure its protection.

Paragraph 12.1.15 of the supporting text for policy H SP2a within the Arun Local Plan identifies that the Pagham South (SD1) allocation is within close proximity to Pagham Harbour, which is an important and sensitive natural site within the wider Bognor Regis area. Development from this allocation should reduce any impacts from loss of supporting habitat or recreational disturbance that may arise.

The decision of the European Court of Justice in 'People Over Wind' (case C-323/17) concluded that it was not appropriate to take account of mitigation measures intended to avoid or reduce the harmful effects of the plan or project at the screening stage of the Habitats Regulation Assessment (HRA) process.

Therefore, it was necessary for the LPA to consider the efficacy of impact avoidance and mitigation measures such as the strategic access management and monitoring (SAMM) through an Appropriate Assessment.

The Local Planning Authority (LPA) appointed Ecological Planning & Research Ltd (EPR) to undertake the Appropriate Assessment (AA) for the original planning application under reference P/6/17/OUT. This AA is applicable to this application given that this application seeks permission for the same development. The purpose of an AA is to further analyse likely significant effects identified during the screening stage. The AA evaluates the implications of the plan or project, in light of the conservation objectives of the affected International Sites and includes a test as to if the plan or project would result in significant adverse effects on site integrity.

Consideration within the AA has also been given to 'in combination effects' where other nearby plans or projects may have the potential to cause negative effects on the integrity of the International Site. These negative effects may act in combination, with those of this planning application, potentially leading to a 'Likely Significant Effect' (LSE) becoming significant. Therefore consideration has been given to whether this application could contribute to effects generated by other plans or projects and vice versa.

The Arun Local Plan HRA Screening Report (UEEC, 2016b) identifies potential effects on Pagham Harbour SPA/Ramsar associated with the 'Pagham North' developments. These are;

- Disturbance;
- Effects on supporting habitat; and
- Water pollution.

These have been considered in Section 4 'Screening of Likely Significant Effects' of the Habitats Regulations Assessment (18/32-1A) dated 14th September 2018 prepared by EPR (on behalf of the LPA).

In relation to disturbance it is concluded in paragraph 4.19 that disturbance impacts arising from the proposed development alone will not trigger a Likely Significant Effect (LSE). However, in combination with other plans and projects there is the potential for a LSE. The recent European Court Judgement (ECJ) in 'People Over Wind' means where mitigation measures are relied upon it is not possible to

screen out a LSE. Therefore, it will be necessary to explore if the mitigation proposed will avoid an adverse effect upon the integrity of the site.

In terms of recreational disturbance this has been considered under paragraphs 4.14-4.22 of the HRA and it has been concluded that following the recent ECJ ruling (People over Wind) it is no longer possible to rule out a Likely Significant Effect where mitigation measures are relied upon. Therefore, the assessment must progress to AA stage to explore whether any contribution towards an adverse effect on the integrity of the site can be ruled out.

In respect of effects on supporting habitat it has been identified in the 'Screening Conclusion' (paragraph 4.37) that there is compelling evidence in the recent work reported in Habitats Regulations Assessment (HRA) Technical Note (PELP 33a) and Map 2 of the HRA that Dark-bellied Brent Geese are unlikely to use land within or adjacent to the application site to the extent that it can be considered to be 'regularly used functionally linked habitat for Brent Geese'. Natural England (NE) agreed with this view in their consultation response to the original planning application (P/6/17/OUT) and advised that, in view of this and given the presence of other agricultural land being available nearer the SPA, the proposal would not lead to a Likely Significant Effect (LSE) through loss of supporting habitat.

Consideration was also given in the HRA (18/32-1A) to the combined impacts with other plans and projects. This was considered in the Arun Local Plan HRA documents that informed the Local Plan examination in public. These documents were aimed mostly at addressing issues surrounding loss of functional supporting habitat for Dark-bellied Brent Geese at Pagham South, but did clarify the situation at Pagham North. In particular, it referred to new data compiled by Sussex Ornithological Society (SOS), submitted as part of its representations on a number of related planning applications at Pagham North and South.

It was concluded by Natural England (NE) that the nature of the site and its distance from Pagham Harbour means that it is unlikely to be regularly used functionally linked habitat. This and the availability of other agricultural land nearer the SPA led NE to conclude that the proposal would not lead to a LSE through loss of supporting habitat.

Paragraphs 4.42-4.61 of the HRA (18/32-1A) consider the potential 'Water Pollution' impacts of the development. It is identified under paragraph 4.56 that the Arun Local Plan HRA Screening Report identifies a potential issue with capacity at the Pagham Waste Water Treatment Works (WwTW) and it was advised by NE that subject to sufficient capacity in combination with other developments there will be no LSE from water quality impacts.

It has been acknowledged under paragraph 4.59 of the HRA that Southern Water will be seeking to provide adequate capacity for each of the developments. However, in order to secure this a condition has been proposed to ensure that each of the developments are delivered in phases in line with the reinforcement works to be implemented by Southern Water. It is likely that water pollution impacts from the development will not trigger a LSE on the Pagham Harbour SPA/Ramsar. However, as the proposed planning condition constitutes mitigation it is not possible for water pollution impacts to be screened out and an AA in relation to water pollution impacts was required.

Recreational disturbance and water pollution have been identified as required to progress to the Appropriate Assessment stage. The proposed mitigation measures in relation to recreation impacts at Pagham Harbour SPA/Ramsar are identified under paragraph 5.45 of the HRA (18/32-1A) as consisting of;

- Provision of suitable greenspace within the development; and
- Payment of strategic access management and monitoring (SAMM) tariff.

Paragraph 5.52 of the HRA (18/32-1A) states that the avoidance and mitigation strategy outlined by the applicant is suitably robust and meets the tests set by the consideration under AA, provided that any planning permission is conditional on the Council agreeing in writing;

- A 25 year management plan for the open space, setting out the costed prescriptions for delivering appropriate public access and providing clear commitments from appropriately qualified operators to implement the prescriptions; and
- The signing of a legal agreement obliging the applicant to secure appropriate ownership of the open space and to provide funds for the 25 year management plan.

It is identified under paragraph 5.56 of the HRA (18/32-1A) that reliance on Southern Water has been tested through the Examination in Public of the Arun Local Plan and it is reasonable to rely on them to deliver effective mitigation through enhancement and reinforcement works. In order to avoid water pollution effects it has been identified that ADC will require any planning permission to be conditional on a suitably worded condition to ensure development is phased and implemented to align with delivery of sewerage network reinforcement.

As a consequence of the proposed mitigation measures Arun District Council can be confident that they will avoid or mitigate an adverse effect on the integrity of Pagham Harbour SPA/Ramsar, alone and in combination with other plans and projects. Natural England (NE) previously reviewed the Habitat Regulations Assessment Report and concurred with the findings that the proposal is likely to have a significant effect on Pagham Harbour SPA/Ramsar through increased recreational disturbance and water quality impacts. They also agreed with the conclusions of the Appropriate Assessment that the mitigation measures set out above (i.e. contribution to Strategic Access Management and Monitoring (SAMM) Strategy, provision of greenspace on site and alignment with Southern Water's delivery programme, surface water drainage strategy with additional treatment) are required to avoid an adverse impact on the integrity of the SPA/ Ramsar site. NE advise that appropriate planning conditions or obligations are attached to any permission to secure these measures. NE have been consulted on the Appropriate Assessment again in the determination of this application and their response is currently awaited.

As set out above conditions and obligations proposed will ensure these measures are secured. Therefore, the proposed development will accord with policy ENV DM2 of the Arun Local Plan.

DRAINAGE AND FLOODING

The site primarily falls within Flood Zone 1 with the exception of a portion of the site measuring approximately 22m² in the north-western corner of the site identified as Flood Zone 2.

The Environment Agency have been consulted in relation to this application but have not provided a consultation response at this time. However, in the determination of P/6/17/OUT they advised that in line with the External Consultation Checklist they would not be providing any response to the application.

Surface water drainage was considered in the preparation of the Arun Local Plan with the Arun Strategic Surface Water Management Study identifying SuDS measures and opportunities at the site. In addition to this policy W DM3 of the Local Plan states that proposals for major and minor development must incorporate SuDS within the private area of the development in order to provide source control features to the overall SuDS design.

The Flood Risk Assessment (Jan 2017) submitted in support of the application includes a drainage strategy under section 5. It is identified that it is proposed to discharge surface water flows to existing naturalised watercourses on site. Calculations undertaken by the developer have identified that attenuation storage extending to 3,078m³ will be required to attenuate storm water discharges from the

site during a critical 1 in 100 year storm event. The attenuation requirements are shown on drawing no. 167/P/003 D. Therefore, the proposed attenuation basins will not result in an unacceptable impact upon the open space provision at the site.

The Council's Drainage Engineers have been consulted in respect of surface water drainage and no objection has been raised. Conditions have been requested and these have been included in the recommendation. This includes the requirement to undertake winter ground water monitoring at the site prior to the commencement of development which will inform the detailed design of surface water drainage at the site ensuring that it takes account of site specific conditions.

The proposed development accords with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan.

FOUL DRAINAGE

Southern Water has been consulted in relation to this application and have advised that they have undertake a desk study of the impact that the additional foul sewerage flows from the proposed development will have on the existing public sewer network. It has been identified by Southern Water that this initial study indicates that there is an increased risk of flooding unless any required network reinforcement is provided by Southern Water. It is further advised that any such network reinforcement (which may or may not be required) would be part funded through the 'New Infrastructure Charge' with the remainder funded through Southern Water's Capital Works Programme.

It is further stated that Southern Water and the Developer will need to work together in order to review if the delivery of the network reinforcement aligns with the proposed occupation of the development, as it will take time to design and delivery any such reinforcement. This was considered in the AA where it was identified that an appropriately worded condition to ensure the phasing of the development aligns with the delivery of the sewerage network reinforcement. This has been secured via condition and as such the proposal meets the requirements of Southern Water to mitigate potential flooding as identified within Southern Water's consultation response.

Foul drainage was considered as part of the Arun Local Plan Examination in Public and it was identified that the agreed approach for addressing waste water treatment capacity for the strategic allocations at Pagham, is to divert flows to Lidsey and Ford Waste Water Treatment Works (WwTW), with reinforcement works (funded by developer contributions) to plants and pumping mains to be brought forward over time in line with housing delivery.

Therefore, in accordance with the Conclusions of the Appropriate Assessment (AA) and the Southern Water consultation response the proposed condition would avoid any unacceptably adverse impact upon Pagham Harbour SPA/Ramsar in accordance with policy ENV DM2 and would avoid any potential increased risk of flooding in accordance with policies W SP1 and W DM2 of the Arun Local Plan.

HERITAGE AND LISTED BUILDINGS

Paragraph 20(d) of the National Planning Policy Framework (NPPF) states that the planning system should contribute to and enhance the natural and local environment. The application is accompanied by a 'Heritage Desk Based Assessment' which provides sufficient detail to accord with paragraph 189 of the NPPF.

Paragraph 190 of the NPPF identifies that the LPA should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including development which may affect the setting of a heritage asset), taking into account any available evidence and necessary expertise.

Paragraph 192 of the NPPF states that in the determination of planning applications the LPA should take

account of the desirability of sustaining and enhancing the significance of a heritage asset; the positive contribution that conservation of heritage assets can make to sustainable communities; and the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation and the more important the asset, the greater the weight should be. Irrespective of whether any potential harm amounts to substantial harm.

Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of the designated heritage asset, this harm should be weighed against the public benefits of the proposal.

Several listed buildings are situated within the vicinity of the application site. To the west of the application site is the Grade II listed building Rookery Farm which is located approximately 100m from the site boundary. Rookery Farm is an 18th century two story farmhouse with a tiled roof, the significance of the property derives from its vernacular architectural and historic interest. Rookery Farm is well screened when viewed from the west and as such there is no inter-visibility between the listed building and the application site. Countryside to the north and west of the listed building informs its setting and as such the development of the application site would not result in any harm to the significance of the heritage asset.

To the south-west of the application site is the Grade II listed Nyetimber Windmill which was constructed in 1840 and is missing its fantail. Nyetimber Windmill by virtue of its height is a dominant feature within the street scene and is visible from the north, south, east and west with views possible from the southern end of Hook Lane. The mill has subsequently been incorporated into the Mill Lodge development with two storey development constructed around the mill. The significance of the mill is derived from its historic interest. It is considered that Nyetimber Windmill's setting has been adversely impacted by the existing development of Mill Lodge surrounding it. The setting of the listed building is informed by the existing agricultural land situated to the north of the listed building with the application site making no contribution to the setting of the Mill. Therefore, the proposed development would not result in any harm to the building, setting or significance of the heritage asset.

There is a further cluster of listed buildings situated to the south-west of the application site and these consist of Mill Cottage (261 Pagham Road) which is a Grade II listed two storey cottage with thatched roof; Mill Farm which consists of a cluster of four thatched buildings and is also Grade II listed; and Inglenook Hotel (253-255 Pagham Road) also a two storey Grade II listed building. These buildings are situated within Pagham and as such the settings of these buildings are limited to their immediate surroundings, with residential development situated to the north, south, east and west of the properties. By virtue of the separation between these listed buildings and the application site, their existing setting and the severely limited inter-visibility between these heritage assets and the application site means that the proposed development will not result in any harm to the significance of these heritage assets.

To the north-west of the application site and approximately 440m from the site boundary are the Grade II listed buildings of Seftor Farm House and Seftor Granary. These structures are situated to the north of Barfoots Farm and their setting is informed by the agricultural land surrounding them. The structures and facilities on Barfoots Farm are situated between the heritage assets and the application site and as such the application site does not make any contribution to the existing setting of these listed buildings. Therefore, the proposed development will not result in any harm to the significance of these heritage assets.

The proposed development does not result in any harm to the significance of any designated heritage

assets and will conserve the historic environment in accordance with policy HER SP1 and will not conflict with policy HER DM1 of the Arun Local Plan.

Paragraph 197 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. 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. In this case non-designated heritage assets considered relevant to the determination of the application are considered to be 56/58 Hook Lane (locally listed buildings) and the Area of Character to the south of the application site.

In terms of the impact of the proposal upon the significance of the locally listed buildings of 56/58 Hook Lane these structures are surrounded by 20th Century development to the north, east and south. The setting of these buildings now read as part of the built up area, as opposed to being rural as would have once been the case. Therefore, the proposed development will not give rise to any harm to the significance of these non-designated heritage assets in accordance with policy HER DM2 of the Arun Local Plan.

The Barton Close Area of Character is situated approximately 440m to the south of the application site, by virtue of the existing built development surrounding the Area of Character and the geometry of Pagham Road the proposed development will have no impact upon the significance of this non-designated heritage asset and would preserve the special character of this area. Therefore, the proposed development accords with policy HER DM4 of the Arun Local Plan.

Given that no harm to the significance of any heritage assets have been identified above it will not be necessary to assess the development against the requirements of paragraph 196 of the NPPF which requires the harm to be balanced against the public benefits of the scheme. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is also not relevant to the determination of this application as it is only relevant when considering whether to grant planning permission for development which affects a listed building or its setting and in this case no harm has been identified to any listed buildings or their setting.

ARCHAEOLOGY

A Heritage Assessment was submitted with the application which concluded that the site has low potential for remains of all archaeological periods but cannot be ruled out. The proposal has been considered by the Council's Archaeology Adviser who has stated that the potential of the proposed development to impact on unknown remains of archaeological importance justifies an investigation of the site and would be best secured via a suitably worded condition. This condition has been included as part of the recommendation and by virtue of this the proposed development will accord with policy HER DM6 of the Arun Local Plan.

RENEWABLE ENERGY

Policy ECC SP2 of the Arun Local Plan identifies that major developments must produce 10% of the total predicted energy requirements from renewable or low carbon energy generation on site, unless it can be demonstrated that this is unviable. A condition has been included with this recommendation report requiring the submission of details for approval by the Local Planning Authority as to how this will be achieved on site.

SUMMARY

The proposed development is considered to be acceptable in principle as has been established above and it has been identified within the report that the proposal will not conflict with the development plan.

The impact of the proposed development upon existing infrastructure has been mitigated through financial contributions and the provision of services and facilities. Adequate mitigation measures have also been identified which will mitigate the impact of the development upon the Pagham Harbour SPA/Ramsar site to the south of the application site. The developer has also agreed to provide 30% affordable housing which equates to 90 dwellings for a scheme of 300 units.

Therefore, the proposed development accords with the requirements of policy H SP2 and will cumulatively meet the requirements of H SP2a (SD1 & SD2) in conjunctions with planning applications P/134/16/OUT and P/140/16/OUT.

RECOMMENDATION

It is recommended that planning permission is granted for the proposed development subject to the completion of the s106 agreement and the inclusion of the conditions proposed below. It is also requested that delegated authority is granted to the Group Head of Planning to make minor amendments that are substantially in accordance with the s106 Heads of Terms.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

SECTION 106 DETAILS

See attached Heads of Terms document

RECOMMENDATION

APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT

- 1 The permission hereby granted is an outline permission under s92 of the Town and Country Planning Act 1990 (as amended) and an application for the approval of the Local Planning

Authority to the following matters must be made not later than the expiration of 3 years beginning with the date of this permission:-

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

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission, or before the expiration of 2 years from the date of the approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans:

Red Line Boundary - 167/P/007 Rev C

Proposed Access Arrangement On Hook Lane (North) - JNY8840-09 Rev A

Proposed Access Arrangement Pagham Road - JNY8840-12 Rev A

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan (2011-2031).

- 4 No development shall take place until a detailed scheme of phasing for the construction of the dwellings and associated highways and public areas has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a schedule identifying the order of commencement and completion within each phase of construction.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Policy D DM1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because the phasing of the development needs to be satisfactory before work commences.

- 5 No development shall be carried out unless and until a schedule of materials and finishes to be used for external walls and roofs of the proposed buildings has been submitted to and approved by the Local Planning Authority. A 'statement of detail' shall be submitted setting out details of proposed windows and doors, details of the depth of recess/reveal from the brickwork, sills and lintels, brick bonding, brick detailing, eaves detailing and rainwater goods. The materials and 'statement of details' so approved shall be used in the construction of the buildings.

Reason: To enable the Local Planning Authority to control the development in details in the interests of amenity by endeavouring to achieve buildings of visual quality in accordance with Policy D DM1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because the use of satisfactory external materials goes to the heart of the planning permission.

- 6 Prior to the submission of any reserved matters application for the housing phases identified by Condition 4 a design code masterplan shall be submitted to, and approved in writing, by the Local Planning Authority. This document shall demonstrate how the detailed proposals will

reflect the objectives of the;

- Development Framework - 167/P/006 Rev E
- Landscape Masterplan - 167/P/003 Rev D
- Design and Access Statement - January 2017

The design code masterplan will provide further details on matters such as character areas, street hierarchy, building typologies, key buildings, the approach to car parking, structural planting, street furniture, lighting and treatment of the public realm. The development shall be carried out in accordance with the approved design code masterplan.

Reason: To enable the Local Planning Authority to control the development in details in the interests of amenity by endeavouring to achieve buildings of visual quality in accordance with Policy D DM1 of the Arun Local Plan.

- 7 The landscaping and layout particulars to be submitted in accordance with Condition 1 shall include:

- i. Details of all existing trees and hedgerows on the land, showing which are to be retained and which removed;
- ii. Details of the positions, height, design, materials and type of boundary treatment to be provided;
- iii. Details of any proposed alterations in existing ground levels, and of the position of any proposed excavation, within the crown spread of any retained tree
- iv. The detailed hard and soft landscape design for the development including the layout and design of the public realm within the development;
- v. Details of the surfacing, lighting and signage of all footpaths, cycle routes and a phasing plan for their provision;

No hedge or tree shall be felled, uprooted or otherwise removed before, during or after the construction period except where removal is indicated on a plan approved by the Local Planning Authority.

Reason: In the interests of amenity and of the environment of the development in accordance with Policy ENV DM4 of the Arun Local Plan.

- 8 Landscaping (hard and soft) shall be carried out in accordance with the approved details. All planting, seeding or turfing comprised in the approved details shall be carried out in the first planting and seeding seasons following the first occupation of each phase or sub phase of the development hereby permitted or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the phase or sub-phase die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

- 9 Prior to the commencement of the development an Arboricultural Method Statement and Tree Protection Plan shall be submitted to and approved in writing by the Local Planning Authority and the development shall be undertaken in strict accordance with the details so approved.

Reason: To ensure the retention and maintenance of trees and vegetation 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.

- 10 Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and winter Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage. No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

- 11 The development shall not proceed until details have been submitted to and approved in writing by the Local Planning Authority for any proposals: to discharge flows to watercourses; or for the culverting, diversion, infilling or obstruction of any watercourse on or adjacent to the site. Any discharge to a watercourse must be at a rate no greater than the pre-development run-off values. No construction is permitted, which will restrict current and future land owners from undertaking their riparian maintenance responsibilities in respect to any watercourse or culvert on or adjacent to the site.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W DM1, W DM2 and W DM3 of the Arun Local Plan. And to ensure that the duties and responsibilities, as required under the Land Drainage Act 1991, and amended by the Flood and Water Management Act 2010, can be fulfilled without additional impediment following the development completion. It is considered necessary for this to be a pre-commencement condition to protect existing watercourses prior to the construction commencing.

- 12 Development shall not commence until full details of the maintenance and management of the surface water drainage system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include details of financial management and arrangements for the replacement of major components at the end of the manufacturer's recommended design life. Upon completed construction of the surface water drainage system, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W DM1, W DM2 and W DM3 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition to ensure that the future maintenance and funding arrangements for the surface water disposal scheme are agreed before construction commences.

- 13 Immediately following implementation of the approved surface water drainage system and prior to occupation of any part of the development, the developer/applicant shall provide the local planning authority with as-built drawings of the implemented scheme together with a completion report prepared by an independent engineer that confirms that the scheme was built in accordance with the approved drawing/s and is fit for purpose. The scheme shall thereafter be maintained in perpetuity.

Reason : To ensure that the proposed development is satisfactorily drained in accordance with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan.

- 14 Before the development hereby permitted is commenced, details of a proposed the foul drainage system shall be submitted to and approved in writing by the Local Planning Authority (including details of its siting, design and subsequent management/maintenance, if appropriate).

Occupation of the development is to be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that waste water network capacity is available to adequately drain the development and no dwelling shall be occupied until works for the disposal of sewage have been fully implemented in accordance with the approved details of any phase or sub-phase.

Reason: To ensure adequate infrastructure is provided to enable the scheme to be satisfactorily drained and avoids adverse impacts upon the Pagham Harbour SPA/Ramsar in accordance with policies D DM1, W DM1, W SP1, ENV DM2 and H SP2a of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition as the foul drainage system goes to the heart of the planning permission.

- 15 Prior to the occupation of any dwelling of a particular phase, a scheme for external lighting shall be submitted and approved in writing by the Local Planning Authority. The scheme shall ensure that the lighting is sensitive to bats by minimising the lighting of the woodland along the southern and western boundaries and shall comply with Institution of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light, Obtrusive Light Limitations for Exterior Lighting Installations for Zone E3.

The scheme should also minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding and no lighting will be installed within the buffer zones and GI areas. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

Reason: To control the residential amenities of the local environment in accordance with Policies D DM1 and QE DM2 of the Arun Local Plan.

- 16 Prior to the commencement of development, including any works of demolition, a Construction Management Plan shall be submitted for approval in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- full details of the construction compound,
- soil resources plan,
- dust mitigation measures,
- noise reduction measures,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision of effective wheel washing facilities and other works required to mitigate the

impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),

- details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area in accordance with Policy D DM1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because of the safety and amenity issues that need to be addressed.

- 17 During the construction phase no machinery/vehicles or plant shall be operated on the site, no process shall be carried out and no deliveries taken at or despatched except between the hours of:

7.00 a.m. and 6.00 p.m. on Mondays to Fridays inclusive

8.00 a.m. and 1.00 p.m. on Saturday

Not at any time on Sundays or Public Holidays

Reason: In the interests of amenity in accordance with Policies D DM1 and QE DM1 of the Arun Local Plan.

- 18 No raw materials, finished or unfinished products or parts, crates, packing materials or waste shall be stacked or stored on the site except within the storage areas identified in the Construction Management Plan at any time approved by the Local Planning Authority.

Reason: To safeguard the amenities of neighbouring properties in accordance with Policy D DM1 of the Arun Local Plan.

- 19 Prior to commencement of development the applicant shall prepare and submit for approval an Employment and Skills Plan for the construction phase of development. Following approval of the Employment and Skills Plan the developer will implement and promote the objectives of the approved plan.

Reason: in accordance with Policy SKILLS SP1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition to as it relates to the construction phase of development.

- 20 No use within the phase of the development to be served from the Pagham Road access shall be first occupied until such time as the vehicular, pedestrian accesses and bus stop lay by have been constructed in accordance with the details shown on drawing no. JNY8840-12 Rev A and provided with visibility splays of 4.5 by 149 metres to the north and 152 metres to the south. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metres above carriageway level or as otherwise agreed.

Reason: In the interests of amenity and to avoid unacceptable harm to highway safety in accordance with policy T SP1 of the Arun Local Plan.

- 21 No use within the phase of the development to be served from the Hook Lane access shall be first occupied until such time as the vehicular and pedestrian accesses have been constructed in accordance with the details shown on drawing no. JNY8840-09 Rev D and provided with visibility splays of 2.4 by 74 metres to the north and 77 metres to the south. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metres above carriageway level or as otherwise agreed.

Reason: In the interests of amenity and to avoid unacceptable harm to highway safety in accordance with policy T SP1 of the Arun Local Plan.

- 22 No part of the development shall be first occupied until such time as the existing vehicular accesses onto Sefter Road and Pagham Road have been physically closed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. No existing access shall be used for construction purposes unless agreed as part of the construction management plan.

Reason: In the interests of amenity and to avoid unacceptable harm to highway safety in accordance with policy T SP1 of the Arun Local Plan.

- 23 No dwelling shall be first occupied until plans and details and a timetable for their installation showing the provision of real time information screens at the north and south bound bus stops on Pagham Road to the north of the Hook Lane Junction have been agreed in writing by the Local Planning Authority. The real time information screens once approved shall thereafter be implemented in accordance with the agreed details and timetable.

Reason: To promote and encourage sustainable transport to and from the proposed development in accordance with policy T DM1 of the Arun Local Plan.

- 24 No part of the development shall be first occupied until plans and details of the proposed pedestrian and cyclist access points have been submitted to and approved in writing by the Local Planning Authority. The approved access points shall thereafter be constructed in accordance with a phasing plan or timetable as may be agreed with the Local Planning Authority.

Reason: In the interests of highway safety and in accordance with policy T SP1 of the Arun Local Plan.

- 25 No part of the development shall be first occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

Reason: To encourage and promote sustainable transport in accordance with Policies D DM1 and T SP1 of the Arun Local Plan.

- 26 At least 10% of the total predicted energy requirements for the development (taking into account energy efficiency measures) will be generated through renewable or low carbon energy generation on site. The Local Planning Authority will consider 'allowable solutions' where it is clearly demonstrated that the provision of on-site renewable or low carbon energy generation is unviable or not feasible and where equivalent energy savings can be demonstrated.

Details and a timetable of how this is to be achieved for the development hereby approved, including details of physical works on site, shall be submitted to and approved in writing by the Local Planning Authority before development of the dwellings hereby approved commences. The development shall be implemented in accordance with the approved details and timetable and will be retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to secure on site renewable energy in accordance with national planning policy, in accordance with policy ECC SP2 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition to ensure that the requisite infrastructure is designed into the housing development.

- 27 Prior to the commencement of development, a strategy for the provision or facilitation of broadband provision to future occupants of the site shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall seek to ensure that upon occupation of a dwelling, either a landline or ducting to facilitate the provision of a broadband service to that dwelling from a site-wide network, is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway. Unless evidence is put forward and agreed in writing by the Local Planning Authority that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure, the development of the site shall be carried out in accordance with the approved strategy.

Reason: To ensure that the needs of future residents to connect to the internet does not necessarily entail engineering works to an otherwise finished and high quality living environment in accordance with Policy TEL SP1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because the provision of broadband needs to be incorporated into the design for the site.

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

Reason: The site has the potential to contain unknown remains of archaeological importance therefore in accordance with Policies D DM1 and HER DM6 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because archaeology can only be investigated before construction commences.

- 29 Prior to the commencement of development details shall be submitted providing clarification as to how the existing hedgerows on site will be enhanced for use by bats. This shall include details of a buffer strip around the hedgerows measuring 5m in width and details of fencing to be used during construction to ensure that this area is undisturbed. Details shall also be provided of additional planting to infill gaps in the existing hedgerow using native hedge species to improve connectivity. No hedgerow shall be removed or disturbed from hedgerows H1, H2 and H3 and an additional minimum 20 metres of additional hedgerow planting shall be undertaken on site due to the loss of small areas of hedgerow H4 (as identified on Appendix D 6932-E-AD within the Ecological Appraisal - Jan 2017). 'Hop overs' shall be provided adjacent to any hedgerow gaps greater than 7m wide to allow continued echolocation across the break.

Reason: In accordance with Policies ENV SP1 and ENV DM5 of the Arun Local Plan. It is considered that this condition must be pre-commencement to prevent harm to the sites biodiversity.

- 30 Prior to commencement of development an updated badger survey should be undertaken (if the survey submitted in support of the application is more than 12 months old) to ensure badgers are not using the site. If a badger sett is found onsite, Natural England should be consulted and a mitigation strategy produced and submitted to the Local Planning Authority for approval.

Reason: In accordance with Policies ENV SP1 and ENV DM5 of the Arun Local Plan. It is considered that this condition must be pre-commencement to prevent harm to potentially vulnerable species on site.

- 31 Any works to the trees or vegetation clearance on site should only be undertaken outside of the bird breeding season which takes place between 1st March - 1st October. If works are required during the bird breeding season an ecologist will undertake site surveys prior to any works taking place (within 24 hours of any work).

Reason: In accordance with Policies ENV SP1 and ENV DM5 of the Arun Local Plan. It is considered that this condition must be pre-commencement to prevent harm to potentially vulnerable species on site.

- 32 Prior to the commencement of development of any preparatory works an Ecological Protection & Enhancement Plan shall be submitted to and agreed in writing by the Council. The Plan shall be based on the mitigation measures proposed in Ecological Appraisal dated January 2017 prepared by FPCR Environment & Design Ltd and the correspondence from FPCR dated 20 April 2017 and will include a programme of ecological monitoring to inform the long term management of the site. The Ecological Protection & Enhancement Plan shall include a full mitigation strategy for Water Voles and Reptiles and a work programme with clear timelines for each mitigation measure to be carried out. The mitigation measures shall be implemented in accordance with the timescales set out in the agreed plan.

Reason: To ensure the protection and retention of biodiversity in accordance with Arun District Local Plan policy QE SP1. It is considered that this condition must be pre-commencement to prevent harm to potentially vulnerable species on site.

- 33 Prior to the commencement of development, an Electric Vehicle Charging Strategy will be prepared and submitted to the Local Planning Authority which identifies the nature, form and location of electric charging infrastructure to be provided across the development. The electric vehicle strategy shall then be implemented in accordance with the approved details.

Reason: New petrol and diesel cars/vans will not be sold beyond 2040, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with Policy D DM1 and Policy QE DM3 (c) of the Arun Local Plan and the NPPF. It is considered necessary for this to be a pre-commencement condition to ensure that the requisite charging infrastructure is designed into the housing development and it is implemented.

- 34 At least 50% of the total number of dwellings shall be designed and constructed to m4(2) (accessible and adaptable) standard and an additional two units shall be constructed to m4(3) (wheelchair user dwellings) standard, for every 50 dwellings developed on the site, as defined by 'Access to and use of buildings: Approved Document M'.

Reason: To ensure that dwellings are adaptable and meet the needs of different groups in the community in accordance with policy H DM1 and D DM1 of the Arun Local Plan and Paragraph 61 of the NPPF.

- 35 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- 36 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.

- 37 INFORMATIVE: This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the

2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0845 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.

- 38 INFORMATIVE: Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 40% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers.

Supplementary guidance notes regarding surface water drainage are located here <https://www.arun.gov.uk/surfacewater> on Arun District Councils website. A surface water drainage checklist is available here <https://www.arun.gov.uk/drainagechecklist> on Arun District Councils website, this should be submitted with a Discharge of Conditions Application.

- 39 INFORMATIVE: Under Section 23 of the Land Drainage Act 1991 Land Drainage Consent must be sought from the Lead Local Flood Authority (West Sussex County Council), or its agent (Arun District Council land.drainage@arun.gov.uk), prior to starting any works (temporary or permanent) that affect the flow of water in an ordinary watercourse. Such works may include culverting, channel diversion, discharge of flows, connections, headwalls and the installation of trash screens.

The development layout must take account of any existing watercourses (open or culverted) to ensure that future access for maintenance is not restricted. No development is permitted within 3m of the bank of an ordinary watercourse, or 3m of a culverted ordinary watercourse.

- 40 INFORMATIVE: If during construction works, it becomes apparent that implementation cannot be carried in accordance with previously agreed details any resubmission of the drainage design must be accompanied by an updated copy of the management manual.