

Report following a request for further information, negotiations or consultation

REF NO:	P/58/19/PL
LOCATION:	Rear of Inglenook Hotel 253-255 Pagham Road Pagham
PROPOSAL:	Erection of 9 No. dwellings with associated access, parking, cycle & refuse storage & landscape design. This application is a Departure from the Development Plan & may affect the setting of a listed building.

INTRODUCTION

This application was deferred from the November Committee meeting due to a request by members for an independent assessment of the highways impacts of the proposals for all highways users to include consideration of safety issues for all users.

THE INDEPENDENT HIGHWAY ASSESSMENT & ROAD SAFETY AUDIT (RSA)

The Assessment concludes that the application should not be refused as the likely impacts would not be sufficient to justify a refusal. However, it makes a series of recommendations for improvements and the following key points:

- (1) the location is accessible to convenience goods but for larger goods & services and for work opportunities it is less accessible resulting in a higher reliance on car use than in a town centre location;
- (2) Parking provision is slightly below demand and this will have a minor impact on Pagham Road;
- (3) There were no traffic counts for the existing use of the access to determine the number of vehicles the access is already accommodating for;
- (4) There does seem to be a trend with collisions at junctions within the area that may present further issues with increased levels of traffic;
- (5) The swept path analysis doesn't take account of any parked vehicles on Pagham Road. There are currently no restrictions and a refuse vehicle would not be able to make a turn with the present arrangements without parking restrictions reducing the existing availability for residents and visitors on-street;
- (6) The presence of the layby to the north will have a significant impact to the safety with the additional flow expected from the development at peak times (particularly if a high sided vehicle is present in the layby);
- (7) It is recommended that a road safety audit is carried out for the access proposals to show that there is no detriment to highway safety or recommend options to make improvements. Although WSCC do not require a road safety audit for developments under 10 units this doesn't take account of the existing use of the site access;
- (8) A separate access for pedestrian is proposed at the north of Inglenook Hotel. This is better provision than previous however this is not overlooked and may be vulnerable by users at night who will not feel secure. Further details will be required to review;
- (9) The additional trips are unlikely to have a detrimental impact to the transport network in the vicinity of the site; and
- (10) It seems poor planning to construct two separate access roads adjacent to each other when one could serve the same purpose and reduce the impact on Pagham Road and the safety concerns raised.

A Road Safety Audit was also carried by the independent highway consultants and concluded no issues

with the access but suggested the following improvements:

- Plan 1594-13-F indicates a pedestrian path delineated by an alternative surface finish between the back of highway in Pagham Road along the northern edge of the widened access road adjacent to the hotel. Experience suggests that pedestrians seldom keep to such paths without raised kerbs and drivers expect the vehicle designated section to be free of pedestrians. It is recommended that the access road surface have a uniform finish through this section and consideration given to the provision of off highway signs;
- An email dated 07/0120 regarding of the 'Applicants Response to Independent Highway Assessment' indicates the existing lighting columns in the site access road are to be removed. Other lighting units are in-situ installed along the new fence on the southern boundary however these units have been mounted low down on the fence. It is recommended that these light units be relocated to the top of the fence or additional light units mounted on the hotel to give adequate spread of light over the access road; and
- Plan 1594-13-F indicates that the existing flint wall adjacent to the south east corner of the hotel is to be amended subject to separate LBC. Any re-modelling should aim to improve inter-visibility for pedestrians and drivers leaving the site.

APPLICANT RESPONSE TO THE HIGHWAY ASSESSMENT & ROAD SAFETY AUDIT

The applicant has responded to state that:

- (1) "Whilst the site is not located within a town centre, it is located within an established residential area that benefits from a good existing level of accessibility to various local amenities and frequent local bus services. The site's accessibility credentials are therefore entirely appropriate in the context of the area and accord with the relevant tests at paragraph 103 of the NPPF."
- (2) "The proposed parking provision and layout of the site accords with the projected demands from the WSCC parking demands calculator and will ensure that no displaced parking occurs away from designated parking areas on the site, or outside of the site itself. "
- (3) "There is no 'requirement' for traffic surveys of an existing access' usage to be undertaken. Notwithstanding this, any such survey would likely serve to demonstrate that the access is an established, longstanding access route that operates without issue in any event as evidenced by the road safety records locally. Improvements to the access would be made as part of the proposals, which would more than offset the cumulative impacts of existing and proposed additional users."
- (4) "The Transport Statement submitted with the application demonstrates that there are no road safety issues in this locality, with just 3 Personal Injury Accidents identified on this section of Pagham Road across the entire 5-year study period. Furthermore, no (zero) accidents occurred at the site access, confirming that the site access operates without issue, notwithstanding the improvements that would be delivered as part of the scheme. The proposals would have a negligible impact in terms of increase traffic. The nearest accident occurred over 100 metres from the site access, well outside of the operational area of the access including the associated visibility splays."
- (5) "The swept path analysis submitted with the application at drawing 2017/3763/003 Rev B demonstrates that refuse vehicles would be able to access and egress the site without issue. In the event that a vehicle is parked on the eastern side of Pagham Road on the section to the north of the access, a refuse vehicle would still be able to turn in / out of the site towards the north given that the access would be widened as part of the proposals."
- (6) "The access and layby are longstanding and operate without issue, including in terms of visibility for drivers. The accident records demonstrate that there are no existing safety issues in this locality."
- (7) Have accepted the proposed modifications set out by the RSA.
- (8) "Such pedestrian routes are commonplace and there is no reason that this route would be inherently

less secure than any others. Matters relating to lighting, and any other mitigation measures that may be considered necessary in respect to security, are Detailed Design points that can be controlled by way of a Condition associated with any planning approval."

(10) "As with any planning application, the proposed scheme should be considered on the basis of the plans presented, which have been demonstrated to be suitable in highway and transport terms, notwithstanding any alternative access arrangement that may or may not be achievable."

OTHER CONSULTATION ON THE HIGHWAY ASSESSMENT & ROAD SAFETY AUDIT

WSCC Highways have considered the documents and advise that:

- The Transport Review concludes that the additional traffic the proposals would generate would not have a 'severe' impact on the adjoining highway network;
- Although the parked cars opposite would require refuse vehicles to make a turn into the site from a more central position on the carriageway, this already happens for refuse vehicles turning into the site. The turning of refuse vehicles out of the site would be unhindered and it is noted that the Waste Collection Authority have not raised any concerns;
- On the basis of the information submitted, WSCC does not have any safety concerns about the proposed access that would warrant a reason to refuse the application; and
- The proposal for shared surface signage, the lowering of the lights on the access drive and the remodelling of the adjacent wall are all accepted.

The Parish Council have also considered the independent transport report and state that they support its conclusions.

FURTHER LOCAL RESIDENT OBJECTIONS

Three additional letters have been received raising the following relevant concerns:

- (a) This proposal is not for the benefit of Pagham residents or the residents of Mill Farm;
- (b) The Inglenook needs a larger car park not houses
- (c) Concern that any further site visits will be carried out on a quiet day/time of day;
- (d) Need for pedestrian warning signage where the access meets Pagham Road;
- (e) Harm to safety of vulnerable pedestrians using the access road;
- (f) The lack of a 5-year housing supply should not be used to outweigh the justify the principle of the site;
- (g) A recent appeal decision concerning a site of 5 bungalows in Bournemouth is pertinent to this appeal and suggests that permission should be refused;

The Council offers the following responses to some of the points made:

- (a) The Council would disagree as spending by new residents at shops/services will benefit the local economy;
- (b) The hotel owner clearly considers that the overspill parking is not necessary and WSCC Highways raise no objections to the loss of this occasional parking area;
- (c) WSCC Highways now share this view and a condition will be imposed to secure this;
- (d) This has now been reconsidered and the proposal offers improvements to mitigate the concerns;
- (f) The reasons for the Council's position on the principle of development are already explained in the recommendation report; and
- (g) Noted however, without full details of this appeal proposal it is not possible to give this appeal decision any weight. It is also from a different local authority with a different development plan.

FURTHER ASSESSMENT OF THE PROPOSALS BY WSCC HIGHWAYS

Two officers of County Highways attended a site meeting on 20/11/19 together with district Councillors Worne and Lury. This had been requested by Councillor Worne. Following this visit, a further consultation response was issued on the 22nd November. This is available on the Council's website (dated 25/11/19) and it requested the following improvements/amendments:

- Provision of an internal sign advising vehicles entering the site that pedestrians will be sharing the route;
- Improvement to the forward visibility where the existing pub car park exits onto the access road;
- Improvements to the surfacing of the whole length of the access road to allow for use by wheelchairs/push chairs (loose gravel/unmade roads are not appropriate in such cases);
- Delineation of the vehicle and pedestrian surfaced areas on the access; and
- Provision of a footpath link into the adjacent Crayfern development.

In addition, County commented that:

- Any vehicles parked on Pagham Road/nearby in unlawful locations can be reported to Sussex Police;
- On-street parking in lawful locations on Pagham Road is acceptable;
- On-street parking also helps to slow down road speeds as drivers anticipate pedestrian emerging between parked cars; and
- There have been no known highways collisions or personal injury claims within the vicinity of the site to flag an existing concern with the way that the highway is operating at this point.

FURTHER SUBMISSIONS BY THE APPLICANT

In response, to the site visit by WSCC Highways, the applicant provided an amended site plan (dwg. 13 Rev F) and an amended location plan (dwg. 01 Rev A - 28/11/19) which show the following improvements:

- An alternative pedestrian route is to be provided through the grounds of the hotel from the junction of the pub car park/access road to Pagham Road. This therefore provides an alternative route to the narrowest section of the access drive. This will be surfaced with bonded gravel so as to allow ease of movement by wheelchairs and pushchairs. This will be a resident only route and will be controlled by a key/pin code on a gate.
- Removal of 2 small category C Conifer trees from their position adjacent to the access drive/opposite the existing pub car park entrance to improve forward visibility.
- Provision of a bonded gravel pavement on the shared access drive to separate the pedestrian and vehicle sections.
- Provision of signage to advise vehicles entering the access drive from Pagham Road to expect pedestrians in the road.

Pagham Parish Council were notified of the amendment to the application red edge and they responded in late December to say that:

- Concerned that the alternative pedestrian route will not be fully used as it is not a direct route. It may also not be perceived as safe particularly at night or when the pub is busy.
- The proposed new pedestrian access is situated where deliveries are currently received to the pub and this would lead to an unacceptable mix of vulnerable pedestrians and large vehicles in the same area.
- Despite the use of a bonded gravel pavement and signage, the shared drive will still not be safe for pedestrians as cars will be able to enter this space. Lighting is also necessary.

WSCC Highways have appraised the applicants proposed changes to the plans and advised that the modifications will result in an improvement to the overall accessibility and internal layout of the site for pedestrians. On this basis, WSCC raised no objection to the changes.

The Councils Tree Officer also verbally advised no objection to the removal of the two small trees on the access drive.

In order to secure these improvements, the following conditions are to be changed/added:

02 - changed to refer to the amended plans;

11 - added to secure a scheme to show how the alternative footpath will be made available in perpetuity to residents of the new houses;

12 - changed to clarify that hard landscaping details should include details of the surfacing of the access drive and new footpath; and

13 - added to secure a scheme of signage/visual measures to alert drivers entering the access from Pagham Road of the potential for pedestrians to be in the road.

CONCLUSION

The applicant has proposed improvements to the scheme to provide alternative pedestrian access and to also make the access driveway safer for pedestrians. The Council has commissioned a highway assessment and a Road Safety Audit. Neither raise any objection to the use of the access or to the proposal as a whole sufficient to justify a refusal of permission. Certain concerns have been identified by the studies, but both the Highway Authority and the applicant consider that these are not significant and will not result in any severe impacts to highway safety.

The recommendation remains one to grant planning permission in accordance with the revised conditions.

REPORT UPDATE

Application No: P/58/19/PL

Reason for the Update / Changes

Reason for Update/Changes:

ADDITIONAL ADVICE FROM THE HIGHWAY CONSULTANT:

The Council's independent highway consultant were asked to set out the measurements they had taken of the access road and also to summarise the risks to certain groups of people using the access. They responded to say that:

- The current access is 3.5 metres with proposals to widen to 5.3 metres at the mouth to allow for a refuse vehicle to turn into the site;
- The access road has two bends with reduced visibility however some works are planned to cut back hedges to make some improvements;
- A revised layout shows an additional pedestrian access that joins the access road to the east of the existing Inglenook car park on the bend with reduced visibility;
- It is appreciated that any vehicle entering the access road will be a low speed and the installation of warning signage for shared surface will give some mitigation;
- The rest of the access road will be widened to 4.8 metres and is the minimum distance for two vehicles to pass in accordance with Manual for Streets;
- The presence of pedestrians on the access road will mean that vehicles are not able to pass both ways and there is a slight increase in vulnerability more so at the bends;
- For those with wheelchairs, cyclists and parents with small children this is likely to take up more carriageway space and there is a slight risk of further conflicts;
- The conflicts are intensified where the pedestrian access joins and the existing car park at the bend. All users will need to be aware and take care.

LOCAL RESIDENT OBJECTIONS:

At the bottom of page 9 of the agenda under "FURTHER LOCAL RESIDENT OBJECTIONS", there is a missing response by the Council to (e). This should say "This has now been reconsidered and the proposal offers improvements to mitigate the concerns including the provision of an alternative footpath around the rear of the hotel"

There have been three further local resident objections received since the agenda report was finalised. These raise the following points:

- (1) The Transport & Highway Review (THR) includes photos of visibility taken outside of peak times and during the winter. The Road Safety Audit should have been carried out on a busy day;
- (2) There is greater traffic in the area from Easter to September/October due to tourism;
- (3) The THR failed to consider the additional impact of traffic associated with planned housing developments in the area;
- (4) WSCC are not consistent with their views across the district and in particular noting their objections on visibility grounds to an application at Gladwyn, The Street, East Preston (ref EP/179/18/PL);
- (5) The Transport Assessment does not consider the usage of the pub car park;
- (6) The alternative pedestrian route is an unnatural route to take and not safe or attractive to pedestrians;

- (7) Need signage on the blind bend;
- (8) The lights on the fence were affixed illegally as the fence is owned by a resident of Spinnaker View. They were removed on 27/02/20;
- (9) The owner of 2 Spinnaker View has planted a hedge in the front garden which will further obscure visibility;
- (10) A fire escape and stairs existing on part of the access and will be a hazard for pedestrians;
- (11) The Fire Service should visit the site rather than base their comments from a desk;
- (12) Has planning permission ever been gained for the seasonal workers caravans at the rear of the Inglenook;
- (13) The WSCC reported speeds are incorrect. Speeding on Pagham Road is a regular occurrence; and
- (14) The layby is regularly parked on by service vehicles.

The majority of these concerns have already been raised & considered in the report or are otherwise noted. However, the following additional responses are offered:

- (1) A Road Safety Audit simply assesses the safety of the access, its purpose is not to consider traffic conditions;
- (8) A condition will be proposed to provide alternative lighting to the access road; and
- (12) The planning history does suggest that the caravans were never allowed however they have become lawful by virtue of the passage of time and the Local Planning Authority are not able to request their removal.

WSCC FIRE & RESCUE:

WSCC Fire and Rescue have written to ask for one fire hydrant to be installed within the site and for this to be secured by a condition. However, Council Building Control officers have advised that this would be covered by Building Regulations therefore a condition is not necessary and the following informative would therefore need to be imposed should the application be approved:

"INFORMATIVE: The development requires either a Fire Hydrant to BS750 standards or an alternative stored water supply (in accordance with the West Sussex Fire and Rescue Guidance Notes). The fire hydrant will be maintained as part of the development by the water undertaker at the expense of the Fire and Rescue Service if adopted as part of the public mains supply (Fire Services Act 2004) or by the owner / occupier if the installation is retained as a private network."

LIGHTING OF THE FOOTPATH & ACCESS ROAD:

A Councillor had raised the need for a condition to secure lighting of the alternative footpath route. The Local Planning Authority accepts that this is necessary and therefore proposes the following additional condition should the planning application be approved:

"No part of the development shall be occupied until there has been submitted to, and approved by, the Local Planning Authority, a scheme to show how the access road will be lit during darkness hours. The details shall comply with the recommendations of the Institution of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Obtrusive Light" (GN01:2011). The lighting approved shall be installed and thereafter maintained in accordance with the approved details. Reason: In the interests of the safety and security of pedestrians using the footpath route in accordance with policies D DM1 and QE DM2 of the Arun Local Plan."

In addition, the Road Safety Audit made a suggestion to improve the safety of the access road. It advised that as the lighting columns were to be removed, that the lights fixed to the fence should be

elevated or alternatively new lights attached to the side of the hotel. As the lights on the fence have now been removed by the owner of the fence, a condition is necessary to provide alternative lighting of the access and this could be achieved by attaching lighting to the side of the hotel. It may be necessary to obtain separate Listed Building Consent for such lighting in order to discharge the condition but it is considered that this request is reasonable and so it is proposed that the following additional condition be imposed should the planning application be approved:

"No part of the development shall be occupied until there has been submitted to, and approved by, the Local Planning Authority, a scheme to show how the access road will be lit during darkness hours. The details shall comply with the recommendations of the Institution of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Obtrusive Light" (GN01:2011). The lighting approved shall be installed and thereafter maintained in accordance with the approved details. Reason: In the interests of the safety and security of pedestrians and vehicles using the access road in accordance with policies D DM1, T SP1 and QE DM2 of the Arun Local Plan."

Officers Comment:

The changes to the conditions are attached on the amended replacement recommendation sheet. The two new lighting conditions are numbered 16 & 17 whilst the fire hydrant informative is numbered 34.

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 Planning Permission

REF NO: P/58/19/PL

LOCATION: Rear of Inglenook Hotel
253-255 Pagham Road
Pagham
PO21 3QB

PROPOSAL: Erection of 9 No. dwellings with associated access, parking, cycle & refuse storage & landscape design. This application is a Departure from the Development Plan & may affect the setting of a listed building.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

This is a full application for 9 dwellings (8 x two storey, 1 x bungalow). The layout includes parking spaces including garages, bin and cycle stores. It is proposed to erect a 1.8m fence along the northern boundary to protect the amenities of the mobile home owners. The houses are shown to have chimneys and materials proposed include brick, timber and clay tiles.

Access will be from an existing road on the south side of the Inglenook. The existing crossover will be widened at the junction of Pagham Road to 7.7m. The start of the access driveway is then to be widened from 3.5m to 5.3m and this will

be achieved through the demolition of a 2.25m section of boundary wall. This demolition is not part of this application and is instead covered by P/53/19/L. Approximately 10m back from the highway boundary, the access driveway narrows again to 3.8m but the driveway would then widen out again to 4.8m around 30m back from the highway boundary. It is also required to demolish a modern lean-to extension to the hotel to achieve the necessary road widening elsewhere on the driveway

The driveway will operate with a priority arrangement where vehicles entering the site will have priority through the narrowest point. The driveway will be a shared surface arrangement as per the existing operation and include traffic calming features in the form of a rumble strip, 5mph speed limit on road signage and a speed control bend.

SITE AREA	0.4 Hectares.
RESIDENTIAL DEVELOPMENT DENSITY	22.5 dwellings per hectare.
TOPOGRAPHY	The land appears flat but slopes upwards from west to east by a maximum of around 0.6m.
TREES	There are no trees on site but there are notable specimens in the adjoining land to the east which overhang the boundary.
BOUNDARY TREATMENT	- Low approx. 1m high post and rail fence to eastern and northern boundaries - 1.8m high close boarded fencing to the southern boundary; - Mix of low fencing and hedging to the western boundary.
SITE CHARACTERISTICS	Paddock used occasionally as overspill parking for the hotel. Mown grass with some areas of overgrown vegetation to the boundaries. Timber stable type building at the southeast corner (which will be removed). Access via a long gravelled driveway to the east.
CHARACTER OF LOCALITY	The site is bordered by dwellings to the south (Crayfern Homes approved by P/125/14/PL), residential mobile homes to the north, a further area of grassed land forming part of the mobile home park to the west and land forming part of the Inglenook to the east (on which there are mobile homes used for staff living quarters). The access road is sandwiched between land forming part of the Inglenook to the north and dwellings to the south. The mobile homes to the north are single storey with ground floor rear principal windows, some have conservatory's to the rear. In the new-build site to the south, is a roadway and part amenity landscaping with houses beyond (i.e. no houses directly abutting the land on which the dwellings will be). The access road does border directly with rear gardens of other dwellings in the adjacent scheme.

RELEVANT SITE HISTORY

P/53/19/L	Listed building consent for the demolition of modern side extension & 2.25m of boundary wall.	
P/125/14/PL	Demolition of existing dwelling & ancillary buildings & erection of 40 no. dwellings with associated access, car parking, cycle & refuse storage, hard & soft landscaping & amenity space. This application is a Departure from the development plan	App Cond with S106 30-06-16
P/10/59/D	Vehicular Access	ApproveConditionally 17-05-61
P/10/59/A	Use Of Private Dwelling As Guest House And Coffee Lounge	ApproveConditionally 21-10-59

P/125/14/PL relates to dwellings to the south (Crayfern Homes). P/53/19/L relates to demolition & alteration works to the hotel which are required to upgrade the access to serve the dwellings.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Pagham Parish Council

Pagham Parish Council

Pagham Parish Council

Revised comments received 25/08/19: "The Committee noted the improvements made to Unit 7, and was satisfied that residents' concerns had been addressed. However, there were still concerns regarding the access onto Pagham Road. It would be far safer to access the development through the newly-built Spinaker View development. This should be fully explored. The Committee was very concerned to see the comments of WSCC Area Highways Manager (12/9/19) that signage to alert the presence of pedestrians in the road was not required. The Committee felt this was essential for safety. It continued to OBJECT to the application on these grounds."

1 letter of support - the site is under-utilised and not required as overspill parking for the hotel.

50 letters of objection raising the following concerns:

- (1) Unsafe access;
- (2) Access is adjacent to Crayfern Homes site entrance and opposite an access to shops;
- (3) Lack of visibility at the access for cars traveling North;

- (4) The access driveway is too narrow and not wide enough for larger vehicles;
- (5) The access driveway is not a suitable shared space;
- (6) No plans to show how existing exits from the hotel onto the access driveway are dealt with;
- (7) Safety of pedestrians including blind people using the driveway;
- (8) A footpath or alternative pedestrian access should be included;
- (9) Traffic Light system will cause traffic to back up to Pagham Road;
- (10) No detailed drawings of the width of the access driveway or the significant trees;
- (11) Pagham Road needs upgrading;
- (12) Applicant road surveys should be undertaken again now that the Crayfern site is complete;
- (13) Impact of employees vehicles during site construction;
- (14) Land should remain as a car park for the hotel;
- (15) Impact on servicing arrangements to the hotel;
- (16) Loss of existing green space;
- (17) Overdevelopment;
- (18) Harm to character of the area;
- (19) Already far too much housing planned for Pagham;
- (20) Harm to heritage assets;
- (21) Vibration from use of driveway will damage the Listed Building;
- (22) Application documents state land not used for horses yet a horse was there 2/3 years ago;
- (23) Harm to wildlife;
- (24) Harm to important trees;
- (25) Local GP surgery is already oversubscribed;
- (26) Insufficient local sewage capacity;
- (27) Increased risk of flooding on neighbouring land;
- (28) Risk of damage to 2 Spinnaker View's northern boundary;
- (29) Harm to amenity of 2 Spinnaker View from running vehicles;
- (30) Harm to privacy of adjoining residents (Spinnaker View & Millfarm Drive);
- (31) Overshadowing of Mill Farm homes from planting/fencing therefore increased moss on roofs and walls;
- (32) Spinnaker View residents can already see residents of Mill Farm;
- (33) New dwellings should all be bungalows;
- (34) Plot 7 chalet bungalow is too high and will adversely affect amenity of Millfarm Drive residents;
- (35) New houses will not benefit Pagham residents and no affordable housing provision;
- (36) Devaluation of existing houses and mobile homes;
- (37) The owner of the Inglenook does not care where customers park;
- (38) The application will not benefit Pagham residents;
- (39) An article in the Bognor Post about the development does not represent the views of Mill Farm residents; and
- (40) WSCC Highways do not take account of the additional traffic resulting from the 3 large scale applications in the Pagham area.

COMMENTS ON REPRESENTATIONS RECEIVED:

In response to the Parish Council, matters of access are considered in the conclusions. In essence WSCC Highways have comprehensively assessed the application and attended the site and raise no objection.

The applicants state they are unable to gain access via the development to the south as there are two ransom strips that would need to be crossed. One is owned by the developer of the neighbouring site and the other is owned by the previous owner. The Government guidance on ransom strips (Practice Note 2/6) states:

"A reasonable starting point for the calculation of a 'ransom payment' for the grant of access (for example to a potential development site) would be that the parties would be willing to share any increase in value resulting from the grant of access equally." (<https://www.gov.uk/guidance/land-compensation-manual-section-2-compensation-for-land-taken/practice-note-2-6-ransom-strips> accessed 18/12/2019).

The applicant states that with three parties dividing the increase in value equally, this would reduce the profitability of the development by two-thirds. Such a reduction in value would have a significantly adverse impact on the viability of any development. This is particularly the case given the challenging economic climate.

The letter of support is noted. The following comments are offered in response to the objections:

- (1), (2), (5), (7) & (8) Refer to WSCC Highways comments summarised below and contained in full on the Councils website (dated 12/09/19). Access matters are considered in the report's conclusions.
- (3) This is considered by WSCC Highways in their response in that Manual for Streets considers this to be acceptable at minor accesses and in cases where vehicular movements during peak hours are not anticipated to be high;
- (4) The access and the site layout have been tracked for use by refuse and emergency vehicles and the Councils Cleansing team have no objections to its use by waste vehicles;
- (6) Any existing exits from the Hotel site onto the driveway remain as per current arrangements;
- (9) It is understood a traffic light system was discussed in pre-application community meetings as one option but was not proceeded with. A priority signage system is to be implemented;
- (10) These are contained in the Transport Statement and the Arboricultural Report;
- (11) Noted. WSCC Highways do not consider the impact of this proposal is such that a contribution to any upgrade is necessary;
- (12) The Transport Statement is based on traffic speed survey data from February 2018 and this has been accepted by WSCC Highways;
- (13) Such impacts will be temporary in nature and will be carefully controlled by way of condition requiring approval of a Construction Management Plan;
- (14) Noted. However, the hotel owner clearly considers that the overspill parking is not necessary and WSCC Highways raise no objections to the loss of this occasional parking area;
- (15) The hotel owner clearly considers that the servicing of the hotel will be unaffected and this view is shared by WSCC Highways;
- (16) This space is privately owned and has no benefit to the public other than through views of it;
- (17) - (18) These issues will be considered in the reports conclusions;
- (19) Noted however this is not in itself a reason to refuse permission;
- (20) Heritage assets are considered in the Conservation Officer response summarised below and set out in full on the Council's website (dated 03/09/19);
- (21) The Conservation Officer does not consider this to be a concern. It should be noted the access is already used by vehicles;
- (22) Noted however this is not relevant to the determination of the application;
- (23) The Councils ecologist raises no objection subject to mitigation measures being secured;
- (24) The revised Arboricultural Assessment shows there will be no built development in root protection areas of the significant trees and that these trees will be incorporated into a landscape buffer along the eastern boundary. The Tree Officer has been asked to make further comments;
- (25) Noted however, national planning law currently prevents local planning authorities from securing contributions to medical facilities from schemes of less than 10 dwellings;
- (26) Southern Water were consulted but have declined to respond;
- (27) The Drainage Engineer does not object and considers it is possible to drain the development such that there will be no surface water flooding elsewhere. This site is currently designated as Flood Zone 1 (low risk) and this designation does not change on the Councils future flooding maps;
- (28) Any damage to personal property would be a civil matter to be pursued with the offending party;

- (29) - (33) Amenity issues are considered in the report's conclusions;
(34) This has since been changed from a chalet bungalow to a straight bungalow;
(35) The Councils affordable housing policy only applies to developments of 14 or more houses;
(36) This is not a material planning consideration;
(37) This is not a material planning consideration;
(38) The Council would disagree as spending by new residents at shops/services will benefit the local economy;
(39) Noted; and
(40) The advice of WSCC is clear that the proposed development would not conflict with paragraph 109 of the NPPF. This states that: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

CONSULTATIONS

Southern Water Planning
Engineers (Drainage)
Engineering Services Manager
Natural England
Arboriculturist
WSCC Strategic Planning
Parks and Landscapes
Economic Regeneration
Ecology Advisor
Environmental Health
Conservation Officer
WSCC Strategic Planning
WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

NATURAL ENGLAND - No objection. States that:

- The application may result in impacts to the coastal Special Protection Area(s) and Ramsar Site(s) from increased recreational disturbance;
- Subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential recreational impacts of the development on the site;
- However, this approach may need to be formally checked and confirmed by ADC, as the competent authority, via an Appropriate Assessment (AA);
- Natural England advises that it is a matter for ADC to decide whether an AA of this proposal is necessary; and
- Natural England must be consulted on any appropriate assessment that ADC may decide to make.

WSCC HIGHWAYS - No objection subject to conditions (access to be provided prior to first occupation; car parking details to be approved; cycle parking details to be approved; provision of the access road; and a construction management plan) as well as an Informative. Advise that:

- The development requires demolition of a portion of the hotel building & wall to facilitate a wider access

route (widened from 3.5m to 5.3m) and this enables an improved means of access for the development and the hotel use;

- This widening will impinge slightly on the layby adjacent to the Inglenook Hotel but the Area Highways Manager does not consider this to be a severe cause for concern;
- WSCC undertook a site visit on 09/09/19 to assess this proposal further and review traffic conditions;
- Sussex Police data confirms no recorded injury accidents therefore no evidence that the current junction is unsafe;
- The driveway will operate with a priority arrangement where vehicles entering the site will have priority through the narrowest point and this is a suitable arrangement;
- The width of the access route will be 5.3m wide with the narrowest parts measuring 3.5m wide;
- The Area Highways Manager advises signage to remind drivers of pedestrians in carriageway is not required;
- Visibility at the access is sufficient (44m northbound & 39m southbound) to cope with the average road speeds (27-30mph);
- Visibility may be obscured if cars are parked in the layby however, Manual for Streets considers this to be acceptable at minor accesses and in cases where vehicular movements during peak hours is not anticipated to be high;
- The wall within the applicants' ownership at the point of access should not exceed 0.6m in height, in order to maintain visibility of pedestrians along Pagham Road;
- The Parking Demand Calculator indicates that a total of 24 parking spaces would be required to serve a development of this size and the proposal is for 20 allocated and an additional 2 visitor parking spaces;
- The shortfall is acceptable as it will not generate a severe highways safety concern and the site is sustainably located on a bus route and in walking/cycling distance to shops & services;
- The analysis outlines an additional 43 two way vehicular movements would be anticipated per day as a result and this would be expected to generate 4-5 movements in the a.m. peak of 8-9am and 4-5 movements in the p.m. peak of 5-6pm. This would not be a severe highways safety concern; and
- WSCC do not consider that the proposal would have a 'severe' impact on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (para 109).

COUNCILS ECOLOGIST - No objections. Request the following:

- The lighting scheme take into consideration the presence of bats in the local area;
- A precautionary approach is undertaken on the site for reptiles (removal of habitat to be done sensitively);
- An updated badger survey be undertaken prior to work starting on site;
- Works to trees be carried out outside bird breeding season or if not then with an ecologist check the trees first; and
- That certain wildlife enhancement measures are proposed.

State they are satisfied that the only Habitat Regulations Assessment (HRA) issue is recreational disturbance and as long as the applicant is willing to provide a contribution to the Bird Aware scheme, the standard HRA Screening Matrix and Appropriate Assessment Statement template can be used.

ADC LANDSCAPE OFFICER - No objections. Request that a landscaping condition be imposed to improve the setting of the homes, green the development and enhance biodiversity.

ADC TREE OFFICER - No objection. States that the Tree Protection Plan demonstrates avoidance of root protection areas (RPA) during construction which is welcome. Does raise concern with the risk of cumulative negative impact on trees T2 & T4-T7) and advises that it would be beneficial if unit 1 could be enlarged so that proportionately less of it would be within those tree's existing and potential rooting area. Concludes that whilst he cannot lend the scheme his full support, he is prepared to remove the earlier objection as the RPA issue has been addressed and there is now no overriding reason to object on

arboricultural grounds.

ADC CONSERVATION OFFICER - No objection. Advises that:

- The site is near to the Inglenook Hotel (Grade II Listed Building) and three other Listed Buildings located close to the Inglenook (Mill Cottage; a group of Four Barns at Mill Farm; and 247 Pagham Road) with all of these being associated with Pagham Road;
- The Inglenook ownership is in three parts - (a) the listed building & associated public garden space/parking; (b) a private garden area with caravans and substantial tree screening; and (c) the application site - paddock land;
- The Design & Access statement refers to heritage;
- The existing significant trees to the east of the application site effectively screen the listed building from the application site to the point that there is little inter visibility between the two;
- These trees should remain and be supported by further landscaping. On this basis, it is considered that there will be no harm to the significance of the nearby heritage assets or their setting;
- The access route will mean that traffic is brought close to both the modern element of the listed building, as well as its 'pub garden' area. This is acceptable;
- The design of the buildings seems to be acceptable, subject to the use of traditional materials and construction detailing; and
- The proposal should be determined in accordance with the relevant policies within the Development Plan, along with these comments and take account of section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

ADC ENVIRONMENTAL HEALTH - No objection subject to conditions to secure a Construction Management Plan, electric charge points and to control the hours of construction.

ADC CLEANSING - The Arun Cleansing team have advised informally that there are no severe concerns with the routing of refuse vehicles for this development.

ADC DRAINAGE ENGINEERS - No objection. Advise that a drainage strategy has been submitted demonstrating that the site can be drained via attenuation and discharge to the surface water sewer and that consent will be required from Southern Water for such a connection. State that winter groundwater monitoring and infiltration testing must still be completed to demonstrate that infiltration is not viable. Therefore request standard drainage conditions.

COMMENTS ON CONSULTATION RESPONSES:

WSCC HIGHWAYS state that the parking proposals fall 2 short of the expected demand. However, it should be noted that under the emerging Arun Parking Standards Supplementary Planning Document, the shortfall would actually be greater as there are 4 garages proposed and these standards set out that each garage will only count as half a space. This will be considered further in the conclusions section.

In respect of the NATURAL ENGLAND and COUNCIL ECOLOGIST comments, a Habitat Regulations Assessment Screening Opinion has been completed. This confirms that on the basis that the Pagham Harbour financial contribution is secured, no Habitat Regulations Assessment is required.

All other comments noted and all recommended conditions are included.

POLICY CONTEXT

Designations applicable to site:

Outside the Built Up Area Boundary;
 Close to a Grade II Listed Building (The Inglenook Hotel);
 Pagham Harbour Zone B;
 Within 2km Buffer of Pagham Harbour SSSI;
 Within 2km Buffer of Bognor Reef SSSI;
 Area of Special Control of Adverts;
 Current/Future Flood Zone 1; and
 TPO/P/2/15 (Within the site to the south).

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM1	ENV DM1 Designated Sites of Biodiversity or geographical imp
ENVDM2	ENV DM2 Pagham Harbour
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
HERDM1	HER DM1 Listed Buildings
HERSP1	HER SP1 The Historic Environment
HSP1	HSP1 Housing allocation the housing requirement
HWBSP1	HWB SP1 Health and Wellbeing
QEDM2	QE DM2 Light pollution
QEDM1	QE DM1 Noise 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
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

PDS	Pagham Parish Council's Village Design Statement by PaghamPC
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POLICY COMMENTARY

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

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

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

On the 19th July 2019, the "Pagham Development Management Plan 2019-2026" was published. The Plan contains four policies. The PNP was published under regulation 14 and the necessary consultation period ended on the 31st August 2019. It is therefore necessary, in accordance with paragraph 216 of the NPPF, to have regard to the Draft Neighbourhood Plan as a material planning consideration.

However, given the conflict between the PNP and the NPPF, the PNP should be attributed no 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 the Arun Local Plan and is therefore in conflict with Paragraph 036 (Reference ID: 41-036-20190509) of the Planning Practice Guidance.

Only policy DM1 is relevant to this determination and this states: "Minor development will be permitted in Pagham where any application for such development is supported by sufficient evidence to demonstrate that it is accordance with the development plan unless material considerations indicate otherwise." This approach is taken in 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 considered to conflict with the relevant Development Plan policies in that the site is located outside of the designated Built Up Area Boundary where new residential development is considered to be inappropriate. However, the proposal complies with the other relevant policies regarding heritage asset protection, character/design, parking, highway safety, residential amenity, trees, ecology and drainage.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background as detailed in the Conclusion section. These are as follows:

- (1) The site's location with existing residential development to all boundaries such that it cannot be considered to have a countryside character;
- (2) The Councils current Housing Land Supply position; and
- (3) The National Planning Policy Framework (NPPF) and associated guidance particularly in respect of Sustainable Development and the 'presumption' for sustainable development.

CONCLUSIONS

PRINCIPLE:

The development plan for the Arun District currently comprises the Arun Local Plan 2011-2031 and the West Sussex Waste and Minerals Plan.

Arun Local Plan:

The key policy considerations in the determination of this application are considered to be SD SP1, SD SP2 and C SP1 of the Arun Local Plan (ALP).

Policy SD SP1 states the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF). It will work to secure development that will contribute to the social, economic and environmental conditions south of the National Park through to the coast and throughout its settlements (both coastal and inland).

The site is in a sustainable location given it is bordered by residential development to the west, north and south and by a public house/hotel to the east. The site is accessed by way of a short driveway from Pagham Road on which there are shops, bus stops and pubs. There are schools and doctors surgeries further afield but still a reasonable walk from the site (and use lit pavement routes). It is considered safe to cycle to access nearby shops and services. Some longer distance trips are likely to still be made by the private car but it is not necessary to have a car to be able to live at the site.

Policy SD SP2 "Built up Area Boundary" states that BUAB are defined for the main towns and villages in the District and shown on the Policies Maps. Development should be focused within the BUAB and will be permitted, subject to consideration against other policies of this Local Plan. Policy C SP1 "Countryside" states that residential development in the countryside outside the BUAB will not be permitted unless in accordance with policies in the Plan which refer to a specific use or type of development.

Although the defined settlement boundary runs to the rear of the hotel and along the southern boundary of the site, the land is clearly outside of this and is therefore classed as countryside. Development on site would be contrary to policies C SP1 and SD SP2 of the ALP. However, the aims of C SP1 would not be harmed as the site is surrounded by existing built development.

National Planning Policy Framework (NPPF):

The NPPF (Feb 2019) is an important material consideration in determining planning applications. It sets out a presumption in favour of approving sustainable development. At para 12, it is clear that:

"The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case

indicate that the plan should not be followed."

Other Material Considerations:

The following sets out whether there are any material considerations which indicate that the proposal should be determined other than in accordance with the development plan.

(1) The site's location with existing residential development on all sides and as such it cannot be considered to have a countryside character

The site is bordered by a new residential development to the south (itself an allocation in the former version of the emerging Pagham Neighbourhood Plan), by a residential mobile home park to the north & west and by land used in connection with the Inglenook Hotel to the east.

The defined settlement boundary runs to the rear of the hotel and then along the southern boundary of the application site leaving the application site and the residential mobile home park outside.

Although the site is an open green space it is surrounded on all sides by either built development or land associated with such and is not considered to have a countryside character to it. The land itself is not in an agricultural use and is used occasionally as overspill parking for the pub. It is not enough to simply refuse an application on the grounds of being in the countryside unless there is some form of harm to the character/appearance of the countryside. This is not considered to be the case here.

Furthermore, the policies of the development to protect the countryside from development have reduced weight due to the fact that the Council can no longer demonstrate a 5-year Housing Land Supply (HLS) as is required by the NPPF.

(2) Housing Land Supply

The Council's Annual Monitoring Report (AMR) was considered at the Planning Policy Sub-Committee on the 18th June. The AMR shows that the Council can no longer demonstrate a 5-year Housing Land Supply (HLS) as is required by the NPPF. Indeed, the AMR shows there is currently only a 4.7 year supply. The reasons for the lower projected delivery include; recent planning refusals/delays on some Strategic Allocations (particularly the Pagham sites); poor quality schemes delaying approvals; developers unable to meet stated and committed timescales; and developer or market factors outside of local authority control.

The release of further land for housing will help to maintain delivery rates. This may have to include sites outside the built up area boundary and it would be preferential if such sites were located close to the edge of the BUAB and in sustainable locations which minimise the need to use the private car.

(3) The NPPF Presumption in favour of Sustainable Development

The National Planning Policy Framework (NPPF) is a material consideration in determining planning applications. As the Council cannot currently demonstrate a 5-year HLS, paragraph 11 (d) of the NPPF and the application of the 'presumption' for sustainable development is triggered.

This means that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (such as where the local planning authority cannot demonstrate a five year supply of deliverable housing sites), planning permission should be granted unless (i) the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or (ii) any adverse impacts of

granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

There is no question that (i) does not apply to this determination as the site does not lie in a protected landscape and the comments of the Conservation Officer are such that there will be no harm to the nearby listed buildings. In respect of (ii), the remainder of this report shows there are no significant & demonstrable adverse impacts associated with the proposal. The presumption in favour of sustainable development applies.

Paragraph 8 of the NPPF states that in order to achieve sustainable development; economic, social and environmental gains should be sought jointly and simultaneously through the planning system. The following is an analysis of the sustainable nature of the site and proposal:

Environment - The site is in a sustainable location given it is bordered by residential development to the west, north and south and by a public house/hotel to the east. The site is accessed by a short driveway from Pagham Road on which there are shops, bus stops and pubs. There are schools and doctors surgeries further afield but a reasonable walk from the site (and use lit pavement routes). It is considered safe to cycle to access nearby shops and services. Some longer distance trips are likely to still be made by private car but it is not necessary to have a car to be able to live at the site. The proposal results in a loss of green space which although regularly maintained has some wildlife value.

Social - The proposal supports the local community by providing 9 new family homes to help meet future needs. The additional custom may lead to an increase of customers to the Hotel or other pubs in the immediate area and thus contribute to the diversity of the local community.

Economic - The proposal is likely to result in economic benefits to the local area in the form of (a) an increase in Council Tax receipts; (b) potential 'New Homes Bonus' payments from the Government; (c) the creation of new or maintenance of existing construction jobs; and (d) additional spending by new residents on local goods & services including at the public house.

Assessment of Sustainable Development - the site is in a sustainable location and the proposal offers clear social and economic benefits. There are some environmental costs but these are minimal and outweighed by the other factors. The proposal would be environmentally, socially and economically sustainable and benefits from the NPPF presumption in favour of sustainable development.

Conclusion on Matters of Principle:

Whilst the principle of development is considered contrary to the policies of the development plan, there are strong reasons discussed above to depart from these policies and allow this development.

HIGHWAY SAFETY AND PARKING:

ALP policy T SP1 seeks to ensure development: provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport. In respect of highway safety, it states: "The Council will support transport and development which: explains how the development has been designed to: (i) accommodate the efficient delivery of goods and supplies; (ii) give priority to pedestrian and cycle movements and have access to high quality public transport facilities; (iii) create safe and secure layouts for traffic, cyclists and pedestrians whilst avoiding street clutter."

In respect of parking, T SP1 states: "The Council will support transport and development which: Incorporates appropriate levels of parking in line with West Sussex County Council guidance on parking provision and the forthcoming Arun Design Guide taking into consideration the impact of development

upon on-street parking". In addition, policy T DM1 requires that new development be located within easy access of established non-car transport modes/routes, contribute to the improvement of such routes & facilities and contribute towards the provision of a joined up cycle network and Public Rights of Way network.

Para 108 of the NPPF states: "In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: (b) safe and suitable access to the site can be achieved for all users". Regard should be had to para 109 which states: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

The response of WSCC Highways (summarised above and set out in full on the Councils website dated 12/09/19). They do not object and consider the proposal will be safe for both motor vehicles and pedestrians. They state the proposal would not result in 'severe' cumulative impacts on the operation of the highway network. There are no objections to the loss of the overspill parking for the hotel. Although the proposal is anticipated to generate an additional 43 two way vehicular movements per day, there would only be an additional 4-5 in the morning peak and 4-5 in the late afternoon peak.

The application proposes 22 parking spaces comprising of 16 off-street spaces, 4 garages and 2 unallocated visitor spaces. In addition, there is space within the curtilage of plot 7 for 1 additional off-street parking space and therefore 23 spaces are possible. However, 4 of these spaces are provided by garages and under the terms of the emerging Arun Parking Standards Supplementary Planning Document, garages only count as half a space. Therefore, the total provision is only 21 and this is 3 short of the anticipated demand as per the West Sussex Parking Demand Calculator. This is acceptable as the site is sustainably located on a bus route and in walking/cycling distance to shops & services. Conditions will be imposed to secure cycle storage and to prevent garages from being converted without planning permission.

Pedestrian signage has been proposed by the applicant as a method of alerting drivers within the access driveway of the potential for there to be pedestrians in the highway. The access driveway is an existing shared surface arrangement so existing drivers using it will be aware of pedestrians and similarly, pedestrians on Pagham Road will already be aware that there is an existing access crossing the pavement. The proposal is for 9 dwellings and these occupiers will be aware that the vehicular/pedestrian routes are the same. The suggested speed limit of 5mph is likely to be such that pedestrians and drivers have plenty of time to see each other.

In the absence of an objection from WSCC Highways, a refusal on highway grounds cannot be sustained. In all other respects, the application is considered to be in accordance with policies T DM1 and T SP1 of the ALP and with the guidance on highway safety in the NPPF.

HERITAGE ASSETS:

There are existing Listed Buildings to the East including notably the Grade II Listed Inglenook Hotel which the access driveway passes close to. There are also other Listed Buildings located close to the Inglenook (Mill Cottage; a group of Four Barns at Mill Farm; and 247 Pagham Road).

It is necessary to consider the impact of the proposed new residential development on these designated heritage assets. Relevant Local Plan policies are HER SP1 (The Historic Environment) and HER DM1 (Listed Buildings). HER SP1 states listed buildings and their settings will be given the highest level of protection and should be conserved and enhanced in a manner appropriate to their significance. Also that development likely to prejudice their setting will be refused and that any proposals for development will be required to comply with all other relevant policies. HER DM1 requires that proposals should

(amongst other matters) protect, where possible, enhance the setting of Listed Buildings.

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

It is necessary to consider policy guidance in the NPPF which sets out several steps when considering impact on heritage assets. Para 189 requires applicants to describe the significance of heritage assets affected, including any contribution made by their setting. Para 190 requires Local Planning Authorities to identify and assess the particular significance of the heritage asset that may be affected by a proposal. The Local Planning Authority must then consider the level of harm associated with the proposal and decide whether there is any harm and if so, whether this is 'less than substantial harm' or 'substantial harm'. It is then necessary to counterbalance harm with the level of public benefits associated with the proposal (as set out in paras 193-196).

The application provides a heritage statement in their Design & Access Statement which has been accepted by the Conservation Officer as being in accordance with the NPPF 2019 as described above.

The Conservation Officer has assessed the proposal (comments set out in full on the Council's website dated 03/09/19) and summarised above. The Conservation Officer advises that neither the residential layout nor the changes to/intensification of the access driveway will cause any harm to the significance of the heritage assets or their setting. It is advised the application be determined in accordance with the relevant policies in the Development Plan along with section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. As such, it is not necessary to consider the public benefits of the proposal.

The application complies with relevant policies and section of the Act on the grounds that the heritage assets and their setting is conserved and that there will be no harm to the special qualities of the heritage assets. The proposal complies with NPPF guidance, with policies HER DM1 and HER DM3 of the ALP and with section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

CHARACTER & DESIGN:

Policy D DM1 of the Arun Local Plan requires that the Council seek to make the best possible use of land by reflecting or improving upon the character of the site and the surrounding area. It requires the Council to consider scale, massing, aspect, siting, layout, density, building materials, landscaping, and design features. It is necessary that development demonstrates a high standard of architectural principles, use of building materials and hard and soft landscaping to reflect the local area. In terms of density, D DM1 requires that housing makes efficient use of land while providing a mix of dwelling types and maintaining character and local distinctiveness. Higher densities will be more appropriate in the most accessible locations. The policy requires the scale of development keep within the general confines of the overall character of a locality.

ALP policy D SP1 "Design" requires development to make an efficient use of land and also reflect local character. Paragraph 127 of the NPPF states that "Planning policies and decisions should ensure that developments: (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)." Para. 122 states that planning decisions should support development that makes efficient use of land but the desirability of maintaining an area's prevailing character and setting should be taken into account.

The site density is 22.5 dwellings per hectare and is slightly lower than that of the new build residential development to the south (28.6 dwellings per hectare). An equivalent 0.4 hectare section of the mobile home park has 12 homes (30 dwellings per hectare).

The surrounding form of development is mixed with predominantly two storey houses to the south and mobile homes to the north and east. The proposal is for predominantly traditional two storey homes but these are all considered to have a good degree of separation from the mobile homes. The closest dwelling to the mobile homes is to be a bungalow with ground floor accommodation only.

The layout is spacious and allows for large front & rear gardens, sufficient parking spaces and for landscaping to be added to the boundaries particularly to the north and east. The dwellings are to have a traditional appearance, use traditional materials, have elevation detailing and include chimneys. Front garden areas are predominantly open with a mix of either frontage or side parking and there being space for front landscaped gardens.

The scheme represents good design and there is no harm to the character of the surrounding area. It should also be noted that the development will not be seen from the Pagham Road streetscene and no rights of way cross the site, therefore views will only be from existing residential adjoining occupiers.

The Pagham Village Design Statement (PVDS) was adopted by the Pagham Parish Council in 2007 and is a material consideration in the determination of this application. It is considered that this has minimal weight in the determination of this application given that it is over 10 years old and predates the current Arun Local Plan and the NPPF & associated guidance on design.

The site falls in the "Pagham Road" area and this sets out the following development criteria relevant to this site/proposal:

- (1) Highest quality layout and design;
- (2) Exclude development in existing Open Spaces;
- (4) Preserve character of area;
- (5) Front boundaries should contribute to overall street scene;
- (6) Traditional materials where appropriate;
- (9) Maintain existing pattern e.g. setback, density;
- (11) Preserve views over open land to the west of Pagham Road; and
- (12) Speed restrictions and traffic calming, especially on Pagham Road.

The proposal conflicts with criteria (2) and (11) in that an existing open area is being developed. Notwithstanding, as the open space is private land, it is not considered the conflict should be afforded any significant weight in the determination of this application. The proposal complies with the other criteria although in respect of (12), this is on the basis that WSCC Highways do not require any upgrade works to Pagham Road.

It is considered that the proposal complies with ALP policies D DM1 & D SP1 and with the guidance on good design within the NPPF.

RESIDENTIAL AMENITY:

Policy D DM1 requires the Council have regard to certain aspects when considering development including having minimal impact to users and occupiers of nearby property and land. Policy QE SP1 states: "The Council requires that all development contributes positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential

amenity". Regard should be had to para 127 of the NPPF which states that developments should provide a high standard of residential amenity for existing and future users.

The Council has no specific rules regarding the relationship between dwellings. The emerging Arun Design Guide proposes, for habitable rooms, a distance of 21m for back to back arrangements, 14m for back to side arrangements and 16m for front to front arrangements. There is no standard for flank to flank but flanks do not tend to contain principal windows therefore a narrow gap is often acceptable.

The closest distances between the proposed houses and existing dwellings are considered to be:

- 22m between the rear of plot 6 and the rear of the conservatory on 19 Millfarm Drive;
- 22.5m between the rears of plots 3/4 and the rear of no. 15 Millfarm Drive;
- 12.4m between the flank of plot 7 and the rear of the conservatory on 23 Millfarm Drive; and
- 23m between the front of plot 6 and the front of 24 Spinnaker View.

All other relationships exceed these distances. It is acknowledged that floor levels of the mobile homes are approximately 0.6m higher than their ground levels and therefore they will be able to see over the proposed 1.8m boundary fence, however the addition of landscaping along this boundary will, once it has established, provide further screening. It is also noted that the distance between plot 9 and 45 Spinnaker View is closer than those measurements above, however, any views between front/rear windows will be at an obscure angle and this is an acceptable arrangement.

On this basis it is not considered there will be significant loss of privacy or loss of light from the proposed buildings. The addition of a fence along the northern boundary could take some light away from the mobile home rear gardens however, the land owner could at any time erect a 2m high fence or plant landscaping along this boundary without the need for planning permission.

Occupiers of dwellings adjoining the access road have raised concerns due to the increase in vehicles using the access way which borders their properties. This is especially the case for 2 Spinnaker View which is as close as 1m to the boundary. Regard must be had to the fact that this is an existing access used by the hotel. The increase in vehicle movements is not considered to be significant (e.g. only 4-5 extra at peak times) and vehicle speeds will be low. The Councils Environmental Health officers do not raise concerns regarding noise to adjacent residential dwellings.

For the above reasons, it is considered the proposal accords with ALP policies D DM1 and QE SP1.

SPACE STANDARDS:

Policy D DM2 states: "The planning authority will require internal spaces to be of an appropriate size to meet the requirements of all occupants and their changing needs. Nationally Described Space Standards will provide guidance". It is necessary to assess the proposal against internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) to determine if the new buildings will be suitable for residential use. The following is a breakdown of the proposed homes:

Plot	Unit Type	Internal Space	National Standard	Difference (+/-)
1/2	3 Bed, 5 Person, 2 Storey	102.38	93	+9
3/4	3 Bed, 5 Person, 2 Storey	111.90	93	+19
5/6	3 Bed, 5 Person, 2 Storey	153.76	93	+60
7	2 Bed, 4 Person, 2 Storey	126.67	99	+47
8/9	3 Bed, 5 Person, 2 Storey	153.76	93	+60

Policy D DM1 refers to the need for compliance with the Arun Design Guide. This is to part replace D DM3 "External Space Standards" which was deleted at the request of the Local Plan Inspector. Until this Design Guide is published, there is no policy within the ALP regarding private gardens sizes. Para 127 of the NPPF states that planning decisions should ensure that developments have a high standard of amenity for existing and future users. The emerging Arun Design Guide proposes the following standards:

- Minimum 10.5m depth for private rear gardens;
- 50sqm area for two-bedroom homes and 60sqm for three or more bedroom homes (smaller gardens with adequate daylight and privacy may be acceptable in corner plots); and
- Minimum 2m deep private front garden.

The spacious layout means that all of the houses comply with these emerging standards. The proposal therefore complies with policies D DM1 & D DM2 and with the guidance in the NPPF (para. 127).

IMPACT ON THE PAGHAM HARBOUR SPECIAL PROTECTION AREA:

ALP policy ENV DM2 states that within the designated 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 decision of the European Court of Justice in 'People Over Wind' (case C-323/17) concluded that it was not appropriate for Local Planning Authorities 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.

Natural England advise that subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential recreational impacts of the development on the site. However, they also state that this approach may need to be formally checked & confirmed by ADC via an Appropriate Assessment (AA) and that ADC should determine whether or not an AA is required.

The Council has taken further advice from its ecologist who advises that the only Habitat Regulations Assessment (HRA) issue is recreational disturbance and as long as the applicant is willing to provide a contribution to the Bird Aware scheme, the standard HRA Screening Matrix and Appropriate Assessment Statement template can be used. The Screening Matrix has been completed and this concludes that no AA is required for this application.

A contribution to the Bird Aware Scheme of £1,275 per new residential unit was agreed by the Councils Cabinet on 20 July 2015 and this was subsequently reduced to £871 as of the 10th April 2017. The net increase in 9 dwellings results in a contribution of £7,839 at the current rate and this is secured by a signed legal agreement. On this basis, the application complies with policy ENV DM2.

BIODIVERSITY:

ALP policy ENV DM5 states: "Development schemes shall, in the first instance, seek to achieve a net

gain in biodiversity and protect existing habitats on site. They shall also however incorporate elements of biodiversity including green walls, roofs, bat and bird boxes as well as landscape features minimising adverse impacts on existing habitats (whether designated or not)." Government guidance states that the Local Planning Authority must consider how a development might affect protected species on or near a proposed development site when reviewing a planning application.

The application is accompanied by a "Preliminary Ecological Appraisal and Bat Building Assessment" and a "Reptile Survey Report". These documents have been appraised by the Councils ecologist who raises no objection to the proposals. The required mitigation measures will be secured by condition and if the badger survey (to be carried out prior to works starting) reveals badgers to be present then a Natural England license may be required.

Existing trees to the east boundary will be retained and it is indicated the eastern and northern boundaries will be strengthened with additional planting. This will be secured through conditions.

Subject to mitigation measures secured by condition, it is considered the development accords with ALP policy ENV DM5 and with the NPPF guidance in relation to the impact on protected species and the potential for the scheme to protect existing habitats where possible and to provide enhancements.

TREES:

Arun Local Plan policy ENV DM4 states that "Development will be permitted where it can be demonstrated that trees protected by a Tree Preservation Order(s), (TPO) identified as Ancient Woodland, in a Conservation Area or contributing to local amenity, will not be damaged or destroyed now and as they reach maturity".

The Tree Officer considers those trees adjacent to the east boundary (in the adjoining land) are important and should be protected. The Tree Officer originally raised an objection but it became clear that the Arboricultural Assessment as originally submitted was based on a different layout. This has since been rectified and the Tree Officer has withdrawn the previous objection.

The layout as proposed does not propose any tree felling and does not show any built development in the root protection areas of the adjacent significant trees. It is therefore considered that the development complies with ALP policy ENV DM4.

SUMMARY:

This application comprises the development of this existing parcel of relatively unused grassed paddock land with 9 new residential dwellings. The site will be accessed from Pagham Road via an existing access driveway which is to be widened in places including most notably by the demolition of a section of wall which is considered separately by P/53/19/L.

The principle of development on this site is contrary to the policies within the development plan due to the site being within defined countryside. However, these policies have reduced weight due to the Council not being able to demonstrate an adequate supply of housing land. Furthermore, the proposal represents sustainable development and the NPPF presumption in favour of sustainable development is engaged. It is also considered that the development of this site will not result in any significant and demonstrable harm to the character and appearance of the wider countryside.

It is considered the material considerations set out within this report are such that in accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004, a decision on the principle of development can be taken other than in accordance with the development plan.

Although it is acknowledged that there are a number of objections to the proposal, the above analysis has demonstrated that the proposal is in accordance with all of the relevant development plan policies and that there are no objections from any statutory consultees.

This application should be approved subject to conditions below and the signed legal agreement.

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

This decision will be granted with a S106 legal agreement relating to a contribution of £7,839 towards the provision of accessible natural open green spaces to offset the impact of the development on the Pagham Harbour Special Protection Area.

RECOMMENDATION

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby approved shall be carried out in accordance with the following approved plans:

"Location plan" dwg. 01 Rev A (28/11/19);
"Site Plan as Proposed" dwg. 06 Rev B;

"Houses Types 1-4" dwg. 07;
"House Types 5 & 6 (Mirrored)" dwg. 08;
"Bungalow Type 7" dwg. 14 Rev A;
"House types 8 & 9" dwg. 09;
"Street Elevation - Longitudinal Section" dwg. 10 Rev A;
"Street Elevation - Cross Section" dwg. 11 Rev A;
"Site Plan as Proposed" dwg. 13 Rev F;
"Street Elevation (Bungalow) Cross Section" dwg. 35;
"Refuse Vehicle Swept Path Analysis" dwg. 2017-3763-001 Rev A (only insofar as it relates to the access junction, access arrangements & access driveway);
"Visibility Splays and Internal Swept Path Analysis" dwg. 2017-3763-002 Rev A (only insofar as it relates to the access junction, access arrangements & access driveway);
"Refuse Vehicle Access and Egress and Concurrent Car's Movements" dwg. 2017-3763-003 Rev A; and
"Forward Visibility" dwg. 2017-3763-004 Rev A;

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

- 3 All activity at the site is to be carried out in strict accordance with the submitted Arboricultural Report by Beechdown Arboriculture Ltd (ref: B/0189/18 V.2).

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

- 4 The development must be carried out in accordance with the mitigation and enhancement measures as set out within section 6.0 of the "Preliminary Ecological Appraisal and Bat Building Assessment" by Arbeco Ltd dated 09/04/18; and section 6.0 of the Reptile Survey Report by Arbeco Ltd dated 22/05/18. The enhancements and mitigation measures shall be implemented as per the documents and permanently retained and thereafter maintained as fit for purpose.

Reason: In accordance with Arun Local Plan policy ENV DM5 and the National Planning Policy Framework.

- 5 No development shall take place, including any works of demolition, until a Construction & Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority (who shall consult with West Sussex County Council and the Councils Environmental Health Officers). 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

- An indicative programme for carrying out of the works;
- The anticipated number, frequency and types of vehicles used during construction;
- The method of access and routing of vehicles during construction;
- The parking of vehicles by site operatives and visitors;
- The loading and unloading of plant, materials and waste, including permitted times for deliveries;
- The storage of plant and materials used in construction of the development;
- The erection and maintenance of security hoarding, including decorative displays and facilities for public viewing, where appropriate;
- The provision of wheel washing facilities and other works required to mitigate the impact of

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

- Details of the arrangements for public engagement / consultation both prior to and continued liaison during the construction works;
- Measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method of piling for foundations, the careful selection of plant and machinery and use of noise mitigation barrier(s);
- measures to control the emission of dust and dirt during construction;
- Details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination; and
- A scheme for recycling / disposing of waste resulting from demolition and construction works.

Reason: In the interests of the amenity of the occupiers of any nearby noise sensitive premises, the general amenities of the area and in the interests of highway safety in accordance with policies D DM1, QE SP1, QE DM1, QE DM2, QE DM3 and T SP1 of the Arun Local Plan and the National Planning Policy Framework. This is required to be a pre-commencement condition because it is necessary to have the site set-up agreed prior to access by construction staff.

- 6 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 / No part of the extended 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.

- 7 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.

- 8 Before the site is occupied or any machinery is introduced to the site or demolition work or construction work or alterations to existing ground levels takes place a PRE-COMMENCEMENT Site Meeting is to take place between the Planning Authority's Tree Officer and the Arboricultural Expert representing the site owner(s) - at this meeting all

protective fencing and ground protection measures will be inspected to verify they are 'Fit for Purpose' as required under British Standard 5837:2012 and have been erected and positioned exactly as shown on the Tree Protection Plan (Appendix 7 (version 2), 23/07/19) as contained within the submitted Arboricultural Report, August 2019 (ref B/0189/18 V.2).

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

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

Reason: To comply with BS5837 and policy ENV DM4 of the Arun Local Plan to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised and they can continue to enhance the landscape and amenity of the area. This is required to be a pre-commencement condition because it is necessary to ensure that trees are protected prior to any commencement of building works.

- 9 No development including site access, demolition or associated construction activities, shall take place on the site unless and until a badger survey has been undertaken in order to ensure that badgers are not using the site. If a badger sett is found on the site, then the applicants shall provide a mitigation strategy to the Local Planning Authority for approval in writing to be determined in consultation with Natural England.

Reason: To safeguard resident badgers in accordance with Policy ENV DM5 of the Arun Local Plan and the National Planning Policy Framework. It is considered necessary for this to be a pre-commencement condition because the commencement of development could result in harm to any badgers living within the site area.

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

Reason: In order to safeguard the amenities of the area and neighbouring residents in accordance with policy D DM1 of the Arun Local Plan. This is required to be a pre-commencement condition because otherwise site levels must be set prior to works commencing on the new houses as otherwise it would be difficult and expensive to rectify any changes.

- 11 The means through which the footpath access in the grounds of the Inglenook Hotel will be made accessible in perpetuity to residents of the new houses should be submitted to, and approved by the Local Planning Authority. No part of the development shall then be occupied unless and until the alternative footpath has been provided and made available to the new residents.

Reason: To ensure that alternative safe access is provided for residents of the new houses in accordance with policies T SP1 & T DM1 of the Arun Local Plan and paragraphs 108-110 of

the NPPF.

- 12 No development above damp proof course (DPC) level shall take place until there has been submitted to, and approved by, the Local Planning Authority, a soft and hard landscape design scheme including details of all hard and soft landscape design elements (including hard surfacing to any new/upgraded roadways/footpaths or accesses). The approved planting shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which die, are removed or become seriously damaged or diseased within a period of five years from the completion of development, 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, the environment of the development and pedestrian safety/convenience in accordance with policies D DM1, T SP1 & T DM1 of the Arun Local Plan.

- 13 No development above damp proof course (DPC) level shall take place until there has been submitted to, and approved by, the Local Planning Authority, a scheme of signage/visual measures to alert drivers entering the access from Pagham Road of the potential for pedestrians to be in the road. No part of the development shall be occupied unless and until the approved measures have been provided in full. Thereafter, these features shall be permanently retained in a condition that is fit for purpose.

Reason: To ensure that alternative safe access is provided for residents of the new houses in accordance with policies T SP1 & T DM1 of the Arun Local Plan and paragraphs 108-110 of the NPPF.

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

Reason: To enable the Local Planning Authority to control the development in detail in the interests of visual amenity and the setting of the nearby listed buildings by endeavouring to achieve buildings of visual quality in accordance with policies HER SP1, HER DM1, D DM1 and D SP1 of the Arun Local Plan.

- 15 No development above damp proof course (DPC) level shall take place until details of all new and improved boundary treatments have been submitted to and approved by the Local Planning Authority and no dwellings shall be occupied until such boundaries associated with them have been erected.

Reason: In the interests of amenity of existing and future residential occupiers in accordance with policies D DM1 and QE SP1 of the Arun Local Plan.

- 16 No part of the development shall be occupied until there has been submitted to, and approved by, the Local Planning Authority, a scheme to show how the alternative footpath through the grounds of the Inglenook Hotel will be lit during darkness hours. The details shall comply with the recommendations of the Institution of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Obtrusive Light" (GN01:2011). The lighting approved shall be installed and thereafter maintained in accordance with the approved details.

Reason: In the interests of the safety and security of pedestrians using the footpath route in accordance with policies D DM1 and QE DM2 of the Arun Local Plan.

- 17 No part of the development shall be occupied until there has been submitted to, and approved

by, the Local Planning Authority, a scheme to show how the access road will be lit during darkness hours. The details shall comply with the recommendations of the Institution of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Obtrusive Light" (GN01:2011). The lighting approved shall be installed and thereafter maintained in accordance with the approved details.

Reason: In the interests of the safety and security of pedestrians and vehicles using the access road in accordance with policies D DM1, T SP1 and QE DM2 of the Arun Local Plan.

- 18 No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on approved drawings.

Reason: In the interests of road safety in accordance with policies D DM1 and T SP1 of the Arun Local Plan and paragraphs 108-110 of the NPPF.

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

Reason: To provide adequate on-site car parking for the development in accordance with policies D DM1 and T SP1 of the Arun Local Plan and paragraphs 108-110 of the NPPF.

- 20 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority. The approved cycle stores shall thereafter be permanently retained.

Reason: To ensure that adequate and satisfactory provision is made for the parking of bicycles in accordance with policies T SP1 & T DM1 of the Arun Local Plan and paragraphs 108-110 of the NPPF.

- 21 No part of the development shall be first occupied until the road(s), footways, and casual parking areas serving the development have been constructed, surfaced, and drained in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: To secure satisfactory standards of access for the proposed development in accordance with policies D DM1 and T SP1 of the Arun Local Plan and paragraphs 108-110 of the NPPF.

- 22 Prior to the occupation of the dwellings, a scheme for the provision of facilities to enable the charging of electric vehicles to serve the approved dwellings shall be submitted to the local planning authority for approval and thereafter implemented in accordance with the approved details and the charge points shall thereafter be permanently retained and maintained in good working condition.

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 QE DM3 (c) of the Arun Local Plan, the Arun District Council Electric Vehicle Infrastructure Study (November 2017) and the National Planning Policy Framework.

- 23 No removal of trees, shrubs or other vegetation that may contain birds' nests shall take place between 1st March and 31st August inclusive, unless a suitably qualified ecologist/wildlife specialist has undertaken a careful, detailed, check of vegetation for active birds' nests immediately before the vegetation is cleared and confirmed that no nests will be harmed.

Where nests are discovered, the vegetation shall remain in place until nesting activity has ended naturally and the ecologist has confirmed that it is safe to proceed.

Reason: To prevent interference with the breeding success of wild birds in the interests of biodiversity conservation, as well as to ensure compliance with the legal protection of birds, their nests and eggs under Section 1 of the Wildlife and Countryside Act 1981, as amended and in accordance with policy ENV DM5 of the Arun Local Plan.

- 24 No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The scheme should seek to conform with the recommendations within BS5489:1-2013 but 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. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

Reason: In the interests of the amenities of the area, the site biodiversity (particularly in respect of bats), the interests of minimising crime and to minimise unnecessary light spillage outside the development site in accordance with policies QE SP1, QE DM2 & ENV DM5 of the Arun Local Plan.

- 25 Before the buildings hereby permitted are occupied dustbin enclosures shall be provided as part of the development in accordance with detailed drawings to be submitted to and approved in writing by the Local Planning Authority, such drawings to show the siting and design thereof. The approved bin storage enclosures or spaces shall thereafter be permanently retained.

Reason: To ensure sufficient refuse facilities and to safeguard the appearance of the development & the amenities of the area in accordance with policies D DM1 and WM DM1 of the Arun Local Plan.

- 26 The new dwellings shall not be occupied unless and until the applicant has submitted a scheme for approval by the Local Planning Authority to demonstrate that the new houses will incorporate decentralised, renewable and low carbon energy supply systems. The approved scheme shall thereafter be implemented prior to occupation of the dwellings and any approved renewable energy supply systems shall be permanently retained & maintained in good working order thereafter.

Reason: To ensure that the development is energy efficient and in accordance with policy ECC SP2 of the Arun Local Plan.

- 27 No construction / demolition activities shall take place, other than between 08:00 to 18:00 hours (Monday to Friday) and 08:00 to 13:00 hours (Saturday) with no works taking place on Sunday or Bank Holidays unless they are not audible outside of the application site.

Reason: To protect the amenity of local residents in accordance with policies QE SP1 and QE DM1 of the Arun Local Plan.

- 28 All bathroom and toilet windows in the elevations of any of the buildings hereby approved shall be glazed with obscured glass and permanently retained so thereafter.

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

- 29 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting this Order) no extensions or alterations to the roofs of plots 1 to 7 inclusive shall be

constructed unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To safeguard the privacy and amenity of existing residential occupiers to the north and south in accordance with policies QE SP1 and D DM1 of the Arun Local Plan.

30 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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

31 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to a contribution of £7,839 towards the provision of accessible natural open green spaces to serve the Pagham area.

32 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.

33 INFORMATIVE: The applicant is advised that in addition to obtaining planning permission that they must also obtain formal approval from the highway authority to carry out the site access works on the public highway. The granting of planning permission does not guarantee that a vehicle crossover license shall be granted. Additional information about the licence application process can be found at the following web page:

<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/>

Online applications can be made at the link below, alternatively please call 01243 642105.

<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/vehicle-crossover-dropped-kerb-construction-application-form/>

34 INFORMATIVE: The development requires either a Fire Hydrant to BS750 standards or an alternative stored water supply (in accordance with the West Sussex Fire and Rescue Guidance Notes). The fire hydrant will be maintained as part of the development by the water undertaker at the expense of the Fire and Rescue Service if adopted as part of the public

mains supply (Fire Services Act 2004) or by the owner / occupier if the installation is retained as a private network.