

Report following a request for further information, negotiations or consultation

REF NO: P/6/17/OUT

LOCATION: Land North of Hook Lane
Pagham

PROPOSAL: Outline application with some matters reserved for construction of up to 300No. new homes, Care home of up to 80No. beds, D1uses of up to 4000sqm including a 2 form entry Primary School, formation of new means of access onto Hook Lane & Pagham Road, new pedestrian & cycle links, the laying out of open space, new strategic landscaping, habitat creation, drainage features & associated ground works & infrastructure.

The application was deferred by the Development Control Committee on the 13th November 2018 to allow for an independent assessment of the submitted road safety audit.

REPORT UPDATE

Application No: P/6/17/OUT

Reason for the Update / Changes

Reason for Update/Changes:

1. Clarification on position of WSCC in relation to the Secondary School Contribution;

The Local Education Authority in their consultation response to this application identified that the secondary contributions should be directed towards Felpham Community College for expansion. The Local Planning Authority (LPA) are instead seeking for these contributions to be directed towards the provision of the new secondary school in the centre of the District in accordance with the Infrastructure Delivery Plan 2017 (IDP).

WSCC have raised concerns with the proposed diversions of the financial contributions towards the 'new secondary school' and have stated that they were not consulted on this change.

On the 18th September the LPA requested that WSCC provide a statement which clearly sets out for each of the strategic sites an indicative figure of how much each will be contributing and whether the site will be contributing to the new secondary school or the expansion of an existing secondary school. However, to date this documentation has not been provided by WSCC.

2. Provision of the primary school land;

Two potential options for inclusion in the s106 agreement are currently being considered by the LPA, either that;

(a) The primary school land will now be available to WSCC from the grant of planning permission as opposed to the commencement of development. Therefore, the Hook Lane primary school land is no longer required as there is certainty that the Summer Lane site can be secured, or

(b) The Hook Lane primary school site will be secured (as a potential fall back site) and relevant and proportional financial contributions will be provided by each of the developers towards the provision of the primary school in the instance that Summer Lane doesn't come forward.

In either scenario (a) or (b) above the primary school land will be secured and IDP compliant financial contributions will be secured.

3. Additional section incorporated in relation to the Open Space and Play Provision.

"The indicative masterplan incorporates a total open space provision of approximately 6.65ha which exceeds the Fields in Trust Standards by approximately 4.25ha. Therefore, the open space provision proposed by this development is considered sufficient and as such accords with policy OSR DM1 of the Arun Local Plan.

The design and siting of the on-site play facilities will be secured at reserved matters stage. However, the s106 agreement requires the submission of a Public Open Space Scheme which will incorporate the location and specification of any children's play areas and that these facilities shall be completed prior to the occupation of 75% of dwellings within a phase. The public Open Space Scheme will also secure

details of the play provision on site and details of how 9 'play experiences' will be accommodated on site. A proportional financial contributions towards providing fencing around the existing Multi Use Games Area (MUGA) at Avisford Recreation Ground will also be secured.

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

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

4. Wording of Condition 11 amended to read;

"No dwelling shall be occupied in a housing phase identified by Condition 4 until the surface water drainage system for that phase has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity".

5. Wording of Condition 6 amended to read;

"Prior to the submission of any reserved matters application for the housing phases identified by Condition 4 a design code masterplan shall be submitted to..."

6. An additional consultation response from Sussex Police was received on the 13th August 2018 and was not identified within the recommendation report. This consultation response provided updated S106 contributions and these amended figures have been incorporated within the heads of terms.

7. Amendments made to the s106 heads of terms to reflect agreed triggers and financial contributions. These amendments will be highlighted in bold on the amended heads of terms summary document.

8. Additional representations received from Pagham Parish Council Summaries of these letters are provided below:

Comments received 27th September 2018;

- Allocations SD1 and SD2 will not help achieve sustainable development or deliver net gains across economic, social or environmental objectives and do not benefit from the presumption in favour of sustainable development contrary to the NPPF
- Applicants have failed to demonstrate that the presumption in favour of sustainable development applies
- The development proposed is premature
- Proposals are not in accordance with the development plan policies
- Failure to demonstrate how development can meet the requirements of policies SD SP1a, GI SP1, H SP2, ENV DM2 and H SP2a of the Local Plan
- Failure to demonstrate that the proposals would provide for the relevant infrastructure requirements

specified in policies INF 1 and INF 2 and the Infrastructure Delivery Plan and have not provided a CIL compliant S106 Agreement.

Comments received 22nd October 2018;

- Reports include inaccuracies, imprecise and confusing statements regarding material information and fail to properly assess proposals against relevant development plan policies and fails to assess material considerations.
- Failure to resolve many issues relating to viability, deliverability and impact mitigation
- Lack of surety in reports over securing delivery of the development quantum or components
- Currently no lawful or enforcement means by which the contributions towards infrastructure would be collected or commitment to spending

9. Representations made by Pagham Parish Council, Aldwick Parish Council and Oving Parish Council have been reported separately in the representation section of the report. Consultation responses from Bognor Regis Town Council and North Mundham Parish Council were also received but were incorporated within the representation summary rather than being reported separately. Below is a summary of the specific comments submitted by each of the Parish Council's who were not reported individually;

ALDWICK PARISH COUNCIL

Comments received 08.02.2017

- Development does not promote sustainable development.
- Proposal conflicts with policy GEN7 (iii), (iv), (v), (vi) and (vii) of the Arun Local Plan 2003.
- Proposal does not meet operation needs of agriculture or forestry in conflict with policy GEN3.
- Development would exacerbate existing flooding risks.
- The LPA needs to be satisfied that adequate drainage capacity exists or that appropriate drainage can be provided as part of the development.
- Members were concerned that surface water could drain into Pagham Rife.
- The use of prime agricultural land for development was ill-conceived.
- There are insufficient employment opportunities in the area to justify the number of houses.
- The already treacherous condition of the existing road should be resolved before any development takes place.
- Development would result in the destruction of 1 or more trees protected by a tree preservation order (TPO).

NORTH MUNDHAM PARISH COUNCIL

Comments received 10.02.2017

We are specifically concerned that none of the applications address the effects of these proposed developments on local traffic in our parish, pedestrian safety and traffic pollution (atmospheric and noise).

- The potential for increased local traffic flow, and the absence of any detailed analysis which comprehends the impact of development on the A27.
- The effect of increased traffic flow on pedestrian safety, particularly at junctions.
- Traffic pollution from both exhaust fumes and noise, particularly as it affects North Mundham School.
- Drainage and surface water and potential impact on Pagham Rife.
- The absence of any realistic cycle routes to ameliorate predicted traffic densities.
- The threat to the environment of Pagham Harbour.
- Remedial works to local road network insufficient to deal with cumulative impacts of traffic.

10. An additional 7 letters of objection have been received raising the following points:

- Adverse impact and disturbance of habitats and wildlife, including bats.

- Lose of productive farmland.
- Increase risk of sewerage discharge into Pagham Harbour, Pagham Treatment Works already at capacity.
- Pagham Road and other roads in area inadequate for additional traffic.
- Traffic levels dangerous for vehicles and cyclists.
- Essential services may be unable to cope with additional demand.
- Public transport improvements needed.
- Parking improvements required at shopping, leisure and other destinations.
- Traffic volumes unacceptable alone and in combination with other development.
- Flooding of roads would increase.
- Negative impact on local economy.
- Will there be sufficient employment.
- Unsustainable development.
- Other sites preferable e.g. Ford Airfield.
- Air pollution concerns.
- Housing mix - too many 3-5 bed houses, no bungalows.

11. The recommendation is amended and it is requested that authority be delegated to the Group Head of Planning in association with the Chair and Vice-Chair of Development Control Committee to allow for minor amendments to be made to the heads of terms.

Officers Comment:

1. The financial contribution will be in line with the request of WSCC but the project is yet to be agreed with the LPA disagreeing with the conclusions of WSCC.
2. Both options will generate appropriate financial contributions from the developer as well as secure sufficient land to provide the primary education provision in accordance with policy H SP2a of the Arun Local Plan and the IDP 2017.
3. The additional section on Open Space and Recreation confirms compliance of the proposal with relevant development plan policies.
4. The amended wording allows for the Care Home site to come forward earlier in the process without the need for the application to be delayed by the housing development should an interested party come forward sooner.
5. The amended wording allows for the Care Home site to come forward earlier in the process without the need for the application to be delayed by the housing development should an interested party come forward sooner.
6. No additional comments.
7. The amendments include;
 - Update of the financial contributions towards police infrastructure in line with the most recent consultation response.
 - Additional contribution towards the existing Neighbourhood Equipped Area of Play.
 - Additional detail concerning the Primary School Land and options (a) and (b) identified above.
 - Update to the triggers for some WSCC contributions.

8. The sustainability of the allocations was considered through the Local Plan process which included a sustainability appraisal of all of the strategic allocations. The presumption in favour of sustainable development states that for decision taking it means 'approving development proposals that accord with an up-to-date development plan without delay'. Paragraph 11d i) and ii) is not being applied in this instance because there are relevant development plan policies.

The Reports set out how the proposals accord with the up-to-date Local Plan and that there are no material considerations which indicate that a different decision should be reached.

The proposals are not considered to be premature as the Local Plan has now been adopted and therefore decisions would not undermine the plan-making process.

The Reports include specific reference to consideration of the proposals against policies H SP2, ENV DM2 and H SP2a of the Local Plan. Policy SD SP1a is listed in the policy context for each application and is a high level policy setting out the strategic approach to sustainable growth in the District. Therefore, whilst not specifically referenced within the report the proposed development accords with the relevant parts of policy SD SP1a which are deemed to be (a), (c), (e), (h), (i), (j) and (k) and have been considered in the conclusion to this report.

Policy GI SP1 is not listed in the Policy Context section for P/6/17/OUT and P/134/16/OUT but is relevant to the determination of this application. It is listed in the Policy Context for P/140/16/OUT. Policy GI SP1 relates to green infrastructure and development, identifying that major development must be designed to protect and enhance existing Green Infrastructure assets, and the connections between them, in order to ensure a joined up Green Infrastructure Network.

Paragraph 7.3.6 of the Arun Local Plan identifies Green Infrastructure assets in the district as;

- Parks and gardens;
- Natural and semi-natural urban green spaces;
- Grassland, wetlands, flood plains, open and running water, wastelands, derelict open land and the coast.
- Public rights of way;
- Twittens; and
- Outdoor sports facilities.

It is considered that the conclusion to this report has considered the impact of the development upon the green infrastructure network and found it to be acceptable. Financial contributions have been secured towards off-site enhancements as well as onsite provision of open space. Therefore, the proposed development is deemed to accord with policy GI SP1 of the Arun Local Plan.

9. The representations from Parish and Town Council's have already been taken into considered in the conclusion to this report.

10. These comments are considered to have already been taken into consideration in the determination of the planning application.

11. This will allow for finalisation of triggers points and other minor amendments in the drafting of the s106 as necessary.

The changes to conditions are attached on the amended replacement recommendation sheet.

Please note that this report update only covers matters up until the 22nd October 2018 at 12pm. Any

additional matters or representations submitted after this time and date will be presented to members as a verbal update.

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

Recommendation Report for Outline Consent

REF NO: P/6/17/OUT

LOCATION: Land North of Hook Lane
Pagham

PROPOSAL: Outline application with some matters reserved for construction of up to 300No. new homes, Care home of up to 80No. beds, D1uses of up to 4000sqm including a 2 form entry Primary School, formation of new means of access onto Hook Lane & Pagham Road, new pedestrian & cycle links, the laying out of open space, new strategic landscaping, habitat creation, drainage features & associated ground works & infrastructure.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks outline permission for all matters reserved except access for the construction of up to 300No. new homes, care home of up to 80No. beds, D1 uses of up to 4000sqm including a 2 form entry Primary School, formation of new means of access onto Hook Lane & Pagham Road, new pedestrian & cycle links, the laying out of open space, new strategic landscaping, habitat creation, drainage features & associated ground works & infrastructure.
SITE AREA	Approximately 17.5 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	Approximately 17.14 dwellings per hectare (based on overall site area). 30 dwellings per ha based on net developable area.
TOPOGRAPHY	Predominantly flat.
TREES	Trees are situated along the boundaries of the site. No trees of any significance are affected by the proposed development.
BOUNDARY TREATMENT	The western and northern boundaries of the site feature mature trees and hedgerow planting of between 2 and 5 metres in height. The eastern boundary (adjacent to Hook Lane) primarily consists of hedgerow planting measuring approximately 2m in height. However, there are portions of the eastern boundary which feature hedgerow planting measuring <1.2m and sections which are devoid of any hedgerow planting.
SITE CHARACTERISTICS	The existing land use is a greenfield site in agricultural use, adjacent to the built up area boundary of Pagham. The application site is situated to the east of Pagham Road and

measures approximately 17.5 hectares. Further agricultural land is situated to the west of the application site, with the Pagham Harbour situated approximately 1.9km to the south-west.

Pagham Road runs along the western boundary of the site, with Sefter Road to the north and Hook Lane to the east and south-east. The site is identified as falling within Flood Zone 1 with the exception of a portion of the site measuring approximately 22m² in the north-western corner of the site identified as Flood Zone 2.

CHARACTER OF LOCALITY

The locality of the site is predominantly rural in character but on the edge of the a built up area. However, development is present to the east of Pagham Road which is characterised predominantly by two storey dwellings and bungalows of various designs and styles which are set back from the highway. A cluster of two storey residential development is situated to the north-west of the application site.

Bus stops are situated along the western boundary of the site along Pagham Road.

No comments.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Pagham Parish Council

Pagham Parish Council

Objection:

1] The applicant has not provided any information related to the economic impact that this development would have on the area, either during the development phase or ongoing. The lack of information in this area is significant as it is considered that this development is likely to have a significant negative impact on the two major industries in the area - tourism and agriculture.

- Development would have a negative impact on the attractiveness of the area for tourism during development and after completion.

- Development would impact on number of visitors to the village.

- Loss of prime agricultural land would have a major impact on the other main local industry - farming.

- Lack of employment opportunities in the area.

- The economic benefit during development would be short lived and is in no way supporting sustainable economic growth.

- Only employment benefit would be from the new primary school.

2] Proposal conflicts with paragraph 28 of the NPPF.

3] Impact of development upon Pagham Road is unacceptable.

4] Application site is not sustainably located.

5] Limited information has been provided in relation to the design of the homes to be provided.

- The type and density of housing proposed would be at odds with the existing character of the village and does not reflect the local needs as clearly identified in the Pagham Neighbourhood Plan.

- The demographics of the area clearly identify a need for housing to suit the more elderly residents who choose to live in Pagham because of its sympathetic environment.

- The survey work undertaken in the preparation of the Pagham Neighbourhood Plan identified 2-3 bedroom bungalows as the type of property most needed.

6] Design

- Density proposed would be out of character with the existing development.
- Development would adversely impact upon street scene.

7] The flood risk assessment and drainage strategy is flawed.

8] Unacceptable harm to the natural environment.

9] Pagham Waste Water Treatment Plant cannot cope with current discharges.

Further response from Pagham Parish Council received 23/5/18 setting out concerns in relation to loss of landscape character and adverse impact on the landscape character. Also that the site cannot be adequately mitigated in visual terms.

OVING PARISH COUNCIL

Objection on the basis that it will add significant traffic on the Pagham Road which in turn will affect Marsh Lane and Vinnetrow Road so exacerbating the existing rat runs that are already a problem for these roads.

631 letters of objection. Below is a summary of the key objections raised:

Sustainability

- Development is unsustainable.
- Loss of tourism.

Agricultural land

- Development will result in a loss of high grade agricultural land.
- Land should be retained for agricultural purposes.
- Farmland is required for food production.

Design and visual amenity

- Development will adversely impact upon existing character of the locality.
- Development will adversely impact upon strategic gap.
- Development will adversely impact upon rural character.
- The area will become overdeveloped.
- Development will reduce quality of life.
- They remove amenity value in reducing open space.

Development Plan

- Not in line with neighbourhood plan.

Surface water and drainage.

- Site is vulnerable to flooding.
- Fields and roads flood regularly.
- Existing drainage will not cope.
- Pumping station cannot facilitate the development.

Highways

- Roads are heavily trafficked and congested.
- Roads are overloaded in peak hours.
- Lack of jobs in Pagham result in high levels of commuting.
- Roads are inadequate and dangerous.
- HGV lorries make using the roads difficult.
- Pagham Road does not feature any pavements.
- Roads are hazardous for cyclists.

- The development will cause more problems to Pagham Road.
- Issues regarding A27 should be resolved before development takes place.
- Sefter Road is a B road and not suitable to sustain extra traffic from the development.
- The application lacks detail on how it will support sustainable transport.

Infrastructure

- School is currently oversubscribed.
- Doctors' surgery is not able to accommodate existing demand.
- Dentist surgeries are at a full capacity.
- Internet connection in Pagham is poor.
- Insufficient infrastructure to cope with proposed development.
- Lack of employment opportunities for proposed development.
- Poor access to public transport.
- Waste management inadequate to deal additional households.
- Water supply and pressure is overstretched and Insufficient.
- Adverse impacts upon local businesses due to surrounding development.

Biodiversity and Ecology

- Development will result in loss of ecology.
- Development will adversely impact upon SSSI.
- Loss of land currently home to Pagham Ponies Club.
- The land is an important area for migratory birds.
- The area is rich in archaeological remains.
- Development will result in an increase in air pollution.
- The farmland is a breeding ground for Brent Geese.
- Development should be on brownfield sites.
- The development will increase the loss of dark skies.

Non-material

- Loss of views.
- After Brexit the number of immigrants will decrease making more homes available.
- Development will reduce quality of life.
- Development has already been refused on this site in the past.
- Residents should not have to live opposite buildings sites.
- Drainage ponds on site 6 didn't operate as planned.

Petition signed by 1220 residents objecting to the proposed development.

2 letters of support

- Need housing for future generations.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted and will be considered further in the conclusion to this report.

CONSULTATIONS

Highways England

WSCC Strategic Planning

Surface Water Drainage Team

Parks and Landscapes
Economic Regeneration
Head of Planning Policy & Cons
Planning and Housing Strategy
Sussex Police-Community Safety
Engineering Services Manager
Engineers (Drainage)
NHS Coastal West Sussex CCG
Natural England
Ecology Advisor
Environment Agency
Archaeology Advisor
Environmental Health
Natural England
Southern Water Planning
Environment Agency
Archaeology Advisor
Ecology Advisor
Chichester District Council

CONSULTATION RESPONSES RECEIVED:

HOUSING STRATEGY AND ENABLING MANAGER

Comments received 31.01.18

- The Council would not support capped percentage transfer values to a provider of affordable housing being applied to the affordable housing dwellings.
- Given the suggested mix of sizes for the properties, the scheme cannot be supported.

HIGHWAYS ENGLAND

Comments received 27th January 2017:

The cumulative traffic impacts of these sites (P/134/16/OUT, P/140/16/OUT & P/6/17/OUT) on the A27 junction of Whyke and Bognor Regis have not yet been determined. we are now working closely with all three applicants consultants but have some way to go before we understand the implications and hence required mitigations at both junctions. Accordingly, we would respectfully request that your Council refrains from determining these applications until such time as we can agree with the applicants the impacts and mitigations required and thereby the required contributions for each towards delivering those mitigations.

Comments received 21st February 2018:

- The improvements at the A27 Whyke junction will be funded by a contribution to Highways England.
- We are requesting a contribution aligned with the most likely cost divided by the number of proposed dwellings equating to £850 per dwelling, which totals £883,150.
- In terms of individual sites Highways England is looking to secure the following amounts;
P/6/17/OUT - £255,000

Comments received 18th April 2018:

- Following our liaison with the applicant, we have now received confirmation that the applicant has

agreed to contribute £255,000 towards the proposed mitigation improvements at the A27 Whyke Hill junction. As such, Highways England is now satisfied that the development proposals can be achieved, subject to certain necessary s106 conditions.

- On the basis that it has been agreed that Arun District Council will enter into a Section 106 Agreement with the applicant to the effect that 'prior to the commencement of the development hereby permitted the applicant will enter into a s278 Highways Agreement with Highways England for a contribution of £255,000 towards the improvement of the A27 Whyke Hill junction as shown on RPS drawing JNY8840-19 Revision B (or such other scheme of works substantially to the same effect, as may be approved in writing by the local planning authority in consultation with Highways England).
- Provided that it will be a term of the Highways Agreement that not more than 10 dwelling units will be occupied until the Highways England Contribution has been paid to Highways England.

SUSSEX POLICE

Comments received 13th February 2017:

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

Comments received 13th August 2018:

- Request for contribution towards infrastructure of £47,108

WSCC STRATEGIC PLANNING:

Comments received 27th September 2017:

- The local highway authority (LHA) has reviewed the three cumulative transport assessments submitted in support of the current planning applications in Pagham. The cumulative transport assessments (CTA's) have been prepared in accordance with current best practice and the scope has been agreed with the LHA. Whilst, the majority of the conclusions within the CTA's are broadly comparable, there are still in certain places quite notable differences as to the anticipated future operation of the junctions. The most notable of these is the Pagham Road/Sefter Road. A further review of the operation of this junction by the developers is necessary.
- For those junctions where mitigation is required, the proposed works or contributions are considered acceptable in mitigating the severe residual cumulative impacts of the development.

Comments received 14th February 2018:

There are a number of additional matters that require further information;

- Investigate the form of vehicular access onto Pagham Road, and determine if a priority junction could be implemented. This should be supported with a Priority Intersection Capacity and Delay (PICADY) assessment and Stage One Road Safety Audit.
- Undertake a design audit for the Pagham Road junction, and identify and apply for Departures from Standard.
- Confirm the number of vehicular accesses proposed onto Hook Lane.
- Revise the location of pedestrian access points onto Hook Lane, if these are to be approved as part of the current outline permission.
- Investigate the future year growth rate to ensure that this accounts of traffic growth as part of the adopted Chichester Local Plan and that proposed as part of the draft Arun DC Local Plan.
- Undertake sensitivity tests upon local junctions given the possible traffic routing resulting from the provision of a through road within the site.
- Provide details of the geometry used for the modelling of the Pagham Road/Lower Bognor Road junction, and revise the modelling accordingly if the geometry is incorrect.
- Provide copies of the modelling outputs directly to the LHA.

Comments received 27th March 2018:

The submitted cumulative assessments have tested the capacity impacts of a development of up to 980 dwellings as jointly proposed at applications at Sefter Road, Hook Lane, and Summer Lane. The

assessments also incorporate additional background traffic from permitted developments in the local area along with that from other potential developments including that at Church Barton Farm and West of Bersted. Viewed against the information presented and the National Planning Policy Framework, the LHA are satisfied that the combined impacts of the development would not give rise to residual severe highway impact. There are certain matters that will need to be concluded as part of the individual planning applications and associated s106 agreements.

Comments received 12th April 2018:

- The revised vehicular access arrangements are considered acceptable. There are outstanding matters relating to accesses for non-motorised road users. These should be secured via condition. These details should also specifically account for the potential access across to the proposed development on the north side of Sefton Road if this is also permitted. It would be expected for details of these arrangements to be included as part of any reserved matters submissions.
- It is apparent that both site accesses are forecast to operate well within theoretical capacity. Even if some development traffic re-routes, the overall impact will be very low. In conclusion the LHA are satisfied that this development viewed alone would not result in any severe capacity impacts.
- If the LPA are minded to approve this application, conditions, informatives and s106 obligations are recommended.

WSSC FLOOD RISK MANAGEMENT:

Comments received 14th February 2017

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

ECONOMIC DEVELOPMENT

Comments received 15th February 2017

- Economic development has no objection to this application. We would ask the eventual developer signs the Arun Developer and Partner Charter and works with the Economic Development Team to run an event to encourage local businesses to be involved in work on and supplying the development as well as producing and implementing a Work and Skills Plan.

SUSSEX POLICE - COMMERCIAL PLANNING MANAGER

Comments received 21st February 2017 and updated 13 August 2018:

S106 contributions requested and incorporated in the heads of terms.

ENGINEERS (DRAINAGE)

Comments received 22nd February 2017

- Please apply conditions ENGD2B, ENGD3A, ENGD4A, ENGD5A, ENGD5B and ENGD6A.

GREENSPACE

Comments received 9th March 2017:

- We would require confirmation of the areas of public open space being proposed with this development. The minimum open space area requirement for a site of this size would be 2.3 Ha. The open space indicated would appear to be largely in periphery locations which would allow for the protection of

existing significant trees, particularly those situated to the east of the development.

- With the number of dwellings on this proposal being up to 300 no this would trigger the need for onsite LEAP and LAP along with Multi Use Games area (MUGA) and NEAP contributions in addition to landscaped open space areas. Confirmation of what is to be proposed for play provision to be provided which we would request confirmation of S106 monies would be sought if provision for play is not met on site at a rate of £1000.00/dwelling to be allocated to local offsite play enhancement.
- The detailing of this to be approved by the LPA. Detail of maintenance provision to be provided and commuted sum payments required towards the maintenance of open spaces where these are provided on site and if taken on by the LA. Section 106 monies in addition for infrastructure to be concluded. A management plan would be sought for the forward maintenance of the public open space, detailing regime and responsibility.
- The landscape proposals will need to make provision for new planting that will subsequently reinforce screening of the site, improve biodiversity and enhance the landscape character of the site and its surroundings and that are subsequently considered to fully comply with Saved Policies GEN27 and GEN 28 and emerging Arun Local Plan Policies.
- A tree survey relating to existing trees would need to be undertaken. Tree protection fencing requirements to be identified and the tree protection plan to be conditioned with any permission. Any significant existing trees and those along the western boundary edge must be protected during the works if identified to provide good visual amenity in addition to their biodiversity importance. Any trees that have the potential for a long life expectancy, with potential to become a prominent feature within the landscape and are worthy of protection, must be provided with adequate fencing according to the BS5837 (2012) Provision for fencing according to each of the trees' correct and calculated root protection area must be erected prior to the commencement of any development activities.

NATURAL ENGLAND

Comments received 10th March 2017

- Internationally and nationally designated sites - no objection
 - The application site is in close proximity to the Pagham Harbour Special Protection Area (SPA) and Ramsar Site, and there has the potential to affect their features. It is also notified as a national level as Pagham Harbour SSSI.
 - In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.
- In advising your authority on the requirements relating to the Habitats Regulations Assessment, and to assist you in screening for the likelihood of significant effects, based upon the information provided, Natural England offers the following advice:
 - The proposals are not necessary for the management of the European site;
 - Natural England agrees with the conclusions of the Arun Local Plan Habitat Regulations Assessment (HRA) Stage 23, in that development at this site could have a likely significant effect on Pagham Harbour SPA/Ramsar in combination with other housing development, in respect of recreational disturbance and water quality impacts.
 - However, provided there is capacity at Pagham Waste Water Treatment Works (WwTW) and appropriate financial contributions are secured for strategic mitigation, a likely significant effect can be avoided, and can therefore be screened out from any requirement for further assessment.

Comments received 27th March 2017

- No further comments to make.
- For clarification regarding water quality issues and Pagham Waste Water Treatment Works (WwTW), it is for Southern Water to advise whether there is sufficient capacity to remain within permit discharge limits at the works and accommodate growth. If Southern Water state that the housing applications

coming forward can be accepted at Pagham WwTW whilst remaining within existing discharge permits, we are satisfied that there will be no likely significant effect on the SPA/Ramsar Site.

- Pagham Rife is a Water Framework Directive (WFD) waterbody, and therefore, a WFD assessment will be necessary against the requirement to avoid deterioration in the quality of the waterbody. The Environment Agency will be able to advise on water quality objectives under the WFD.

Financial Contribution

- Appropriate financial contributions should be made to the Pagham Harbour strategic access management and monitoring project. This strategic approach to mitigating recreational disturbance resulting from new residential development around Pagham Harbour takes the form of a package of measures comprising wardening in perpetuity to encourage responsible use of the harbour; a dog project including website and events; contribution to signage and interpretation; and monitoring.

- Additional housing to meet the district's objectively assessed need is being considered through the Local Plan process, and is assessed in the Arun Local Plan HRA Stage 3 report. This report sets out (paragraph 5.2.27) the proposed scaled-up level of mitigation to address these increased housing numbers (including the housing proposed at the Hook Lane site). Therefore, Natural England is satisfied that provided contributions are made to the, scaled-up level of mitigation, a likely significant effect from increased recreational disturbance can be ruled out.

- Natural England notes that 6.65ha of greenspace is provided, with a walking route and dog exercise area. Our view is that green infrastructure measures on their own are insufficient to avoid a likely significant effect from recreational disturbance to Pagham Harbour SPA/Ramsar site. However, attractive greenspace within the development site, which allows dog owners to let their dogs off leads, may take some of the short daily dog walks away from the harbour. It would also allow the development to comply with policy ENV DM2 in the emerging Arun Local Plan, which requires measures on- and off- the SPA.

Potential loss of functionally linked habitat

- Dark-bellied brent geese forage within, and on land near to, Pagham Harbour SPA/Ramsar site. Where the geese regularly forage on land outside the SPA/Ramsar site, this land may be considered functionally linked to the SPA/Ramsar by providing supporting habitat. Its loss should, therefore, be considered in any in combination assessment of impacts under the Habitats Regulations.

- Natural England is satisfied that the application site is not likely to be regularly used functionally linked habitat for brent geese. This, and the availability of other agricultural land nearer the SPA, lead us to conclude that the proposal would not lead to a likely significant effect through loss of supporting habitat.

Water Quality

- The Arun Local Plan HRA Stage 3 report, identifies that development in this location has the potential to impact the water quality of Pagham Harbour SPA/Ramsar site. Pagham waste water treatment works (WwTW) serves the Pagham area, and discharges to Pagham Rife, which feeds into the SPA/Ramsar site.

- Natural England recommends that a condition be included in any permission for the application, such that a detailed SuDS strategy is submitted for approval, which should include elements to address both water quality and volume of run-off.

SSSIs

- Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, and subject to the comments above, will not damage or destroy the interest features for which the Pagham Harbour SSSI has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application.

Comments received 4th October 2018

In relation to the Habitat Regulations Assessment (Regulation 63 of the Conservation of Species and Habitats Regulations):

Natural England concurs with the HRA Report (EPR, September 2018) that the proposal is likely to have a significant effect on Pagham Harbour SPA/Ramsar through increased recreational disturbance and water quality impacts, in combination with other plans or projects.

We agree with the conclusions of the Appropriate Assessment, that mitigation measures are available to avoid an adverse effect on the integrity of the SPA/Ramsar. However, our view is that mitigation for surface water quality is required in addition to those set out in the HRA Report. Therefore, the following mitigation measures should be secured:

- Financial contribution to the Pagham Harbour SAMM Strategy;
- Greenspace totalling 6.65ha within the development site, managed to provide recreational space for people and their dogs. A costed 25 year management plan should be produced, with a suitable management company identified.
- Development should be phased to align with Southern Water's deliver of sewerage network reinforcement.
- A detailed surface water drainage strategy addressing both flood risk and water quality, and including three stages of SuDS treatment, should be produced. A management and maintenance plan should be produced with a suitable management company identified.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

ECOLOGY

Comments received 15th March 2017

- Due to the scale of the site and its location to Pagham Harbour SPA we require a Habitat Regulations Assessment is undertaken for the site to establish if there is any significant effect on the SPA from the proposed development which will need to be mitigated above and beyond the contribution to the Strategic Access Management and Monitoring (SAMM) scheme for recreational disturbance as detailed below.
- Phase one surveys on site have demonstrated that water voles are using ditches within the proposed site. However, the Ecological Appraisal by FCBR (2017) has stated that more surveys need to be undertaken closer to the time of construction to help assess the population dynamics, however we require that these surveys are undertaken prior to determination. Due to the size of the site specific Natural England licence will be required and though two methods have been proposed we require the full details of the chosen methodology so we can ensure the mitigation would be suitable for the site. We would not recommend that these further surveys are conditioned as depending upon the findings, the site layout may need to change to accommodate the requirements of the mitigation strategy.
- The hedgerows on site are used by bats for commuting and foraging and will need to be retained and enhanced for bats.
- The lighting scheme for the site will need to take into consideration the presence of bats in the local area and the scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill.
- The reptile survey has shown that there is a moderate population of reptiles' onsite. Due to this mitigation has been proposed within the Ecological Appraisal by FCPR (2017) and we are happy that the proposed mitigation is suitable and this can be conditioned.
- Further details of reptile mitigation should be included within a Construction and Environmental Management Plan (CEMP) and a condition should be used to ensure this takes place.
- Prior to start on site a badger survey should be undertaken to ensure badgers are not using the site.
- Due to the location of the site to Pagham Harbour the majority of the features suitable for resting birds should be retained and enhanced.
- Any works to trees or vegetation clearance on site should only be undertaken outside of the bird breeding season which takes place between 1st March and 1st October.
- Chichester District Council have identified that net new dwellings within a 3.5km zone of influence

around the Pagham Harbour SPA boundary will increase the number of visitors to the SPA. Natural England have advised both Arun and Chichester DC that increased visitor numbers in combination with all other developments in the zones of influence in the two districts will have a likely significant effect on the SPA unless there is a strategic scheme of avoidance/mitigation measures. Therefore, a contribution towards the SAMM will be required and should be payable at commencement in order to ensure that avoidance measures are in place before occupation.

ARCHAEOLOGY

Comments received 27th March 2017

- I agree with the conclusion of the heritage desk-based assessment regarding the likely archaeological potential of the site and the need for this to be evaluated in order that the impact of the development on anything of interest might be properly mitigated. I therefore recommend inclusion of standard planning condition ARC1.

ENVIRONMENTAL HEALTH

Comments received 5th April 2017

- Environmental Health have no real overall objections to this application.
- With regard to noise, we would require further information when the specific planning applications come in to ensure that all outside amenity spaces are below the WHO guidance value of 55dB. It appears from one of the noise contour maps that there is some encroachment of the 55dB line over the areas where residential properties are proposed. We would also require the mitigation measures proposed in the report (Noise Assessment December 2016 Ref: 10461).
- Please include Construction Management Plan condition on any permission granted.

SOUTHERN WATER

Comments received 15th May 2017

- A public pressurized foul sewer (rising main) crosses the site. The exact position of the public sewers must be determined on site by the applicant before the layout of the proposed development is finalised.
- It might be possible to divert the public sewers, so long as this would result in no unacceptable loss of hydraulic capacity and the work was carried out at the developers expense to the satisfaction of Southern Water under the relevant statutory provisions.
- Southern Water requests that in order to protect drainage apparatus, a condition is attached to any planning permission.
- Our initial investigations indicate that Southern Water cannot provide foul sewage disposal to service the proposed development. The wastewater discharged from the proposed development will be drained to Southern Water's Summer Lane, Pagham wastewater treatment works. The works currently does not have the capacity to accommodate flows from the proposed development. Where development has been identified and allocated for future development by the Local Planning Authority, Southern Water will attempt to ensure capacity is available to serve these developments.
- The applicant is advised to examine alternative means of foul sewage disposal.

CHICHESTER DISTRICT COUNCIL

Comments received 8th August 2017:

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

TREE OFFICER COMMENTS:

Objection unless requirements below can be met:

- Hedgerow proposed for removal - necessary extent needs to be determined to minimise loss and mitigation to be provided
- Tree Protection Plan required overlaying the final site design layout with supporting Arboricultural Method Statement where RPA incursion anticipated.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and will be considered further in the conclusion to this report.

POLICY CONTEXT

Designation applicable to site:

Policy H SP2a Site SD2 Pagham North

DEVELOPMENT PLAN POLICES

AHSP2	AH SP2 Affordable Housing
DDM1	D DM1 Aspects of form and design quality
ECCDM1	ECC DM1 Renewable Energy
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM2	ENV DM2 Pagham Harbour
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
ENVSP1	ENV SP1 Natural Environment
HDM1	H DM1 Housing mix
HDM2	H DM2 Independent living and care homes
HERDM1	HER DM1 Listed Buildings
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
HERDM3	HER DM3 Conservation Areas
HERDM4	HER DM4 Areas of Special Character
HERSP1	HER SP1 The Historic Environment
HSP1	HSP1 Housing allocation the housing requirement
HSP2	H SP2 Strategic Site Allocations
HSP2A	HSP2a Greater Bognor Regis Urban Area
HWBSP1	HWB SP1 Health and Wellbeing
INFSP1	INF SP1 Infrastructure provision and implementation
INFSP2	INF SP2 New Secondary School
LANDM1	LAN DM1 Protection of landscape character
SDSP1	SD SP1 Sustainable Development
SDSP1A	SD SP1a Strategic Approach
SDSP2	SD SP2 Built-up Area Boundary

SKILLSSP SKILLS SP1 Employment and Skills
1

SODM1	SO DM1 Soils
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management
WSP1	W SP1 Water
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QEDM3	QE DM3 Air Pollution
QESP1	QE SP1 Quality of the Environment
OSRDM1	Protection of open space,outdoor sport,comm& rec facilities

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

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

POLICY COMMENTARY

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

The Neighbourhood Development Plan

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

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

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

In December 2014, the Pagham Neighbourhood Plan was withdrawn from the examination process in order to produce further studies in respect of the impact on the Pagham Harbour SPA/Ramsar Site. This

work has been completed and the Regulation 14 'pre-submission consultation & publicity' stage was undertaken between 02/10/15 and 13/11/15. It is therefore necessary, in accordance with paragraph 48 of the NPPF, to have regard to the Draft Neighbourhood Plan as a material planning consideration. Therefore, policies 1, 3, 8 and 9 are considered relevant to the proposed development.

However, it must be considered that the policies contained within the draft Pagham Neighbourhood Plan cannot be attributed any weight by virtue of the lack of progress on the plan since consultation took place in 2015 and the adoption of the Arun Local Plan (2011-2031).

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area. The proposal is also located in a strategic allocation within the built-up area boundary and accords with policy H SP2 and will cumulatively meet the requirements of H SP2a in conjunction with other strategic allocation applications in Pagham.

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

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

Principle

The application site falls within the parish of Pagham and the development plan for the determination of this application comprises the Arun Local Plan (2011-2031). The Pagham Neighbourhood Plan (PNP) is currently under preparation and has reached Reg. 14 stage with the consultation period running from the 2nd October 2015 to the 13th November 2015. The PNP has not been made and as such does not form part of the development plan as defined by section 38 of the Planning and Compulsory Purchase Act 2004.

Arun Local Plan (2011-2031)

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

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

Policy H SP2 - identifies that development proposals within the Strategic Site Allocations must be comprehensively planned and should have regard to a masterplan endorsed by the Council for the

respective areas which incorporates high quality imaginative design which gives a sense of place.

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

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

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

- a. Ensure no detrimental impact to Pagham Harbour SPA.
- b. Take into account nearby heritage assets.
- c. Provide a new one-form (expandable to two-form) primary school and nursery places.
- d. Provide a care home facility.
- e. Provide a community hub which includes.
 - shops and complimentary uses.
 - community building (Tier 7 library, D1/sui generis floor space)
 - provision of land for scout hut, and
 - land for an ambulance community response post

- f. Provision of public open space to include children's play areas, landscaping, drainage, and earthworks.
- g. Contribute to the provision of an enhanced local cycle network by making on site provision and appropriate off site financial contributions
- h. Where possible, provide pedestrian and cycle routes to Bognor Regis town centre in order to enhance the sustainability of the site.

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

The application site is located within the built-up area boundary (BUAB) as defined by policy SD SP2 and forms part of strategic allocation SD2 and seeks outline planning permission for up to 300 dwellings with an 80 bed care home. If the school was located on this site, the number of dwellings would be up to 230. Therefore, this application in conjunction with P/134/17/OUT will equate to a total of 580 dwellings of the 800 identified by strategic allocation SD2 (H SP2a) and is deemed to accord with Policy H SP1 of the Arun Local Plan (2011-2031).

The proposal includes land for a 2FE primary school should it be required. The proposed 2FE school site would accord with H SP2 (c) however the preferred location for the primary school has been identified as Summer Lane (P/140/16/OUT) by West Sussex County Council (WSCC) as this would provide a primary school facility closer to the centre of Pagham.

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

Views of the site will be restricted by existing field boundary planting which is proposed to be reinforced with new woodland planting along the northern and western boundaries. Development is also set back from the junction of Hook Lane and Pagham Road through the provision of a green to the south of the site. The application was accompanied by a Heritage Assessment which considered measures to assess any likely archaeological remains and considered that the proposal would have a negligible impact on the setting and significance of designated heritage assets. It has been concluded later in the report that the proposals will not result in any significant impact upon nearby heritage assets. Thus, the proposed development is deemed to accord with policies H SP2 (c), (m) and H SP2a (b) of the Arun Local Plan.

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

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

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

The highway infrastructure improvements, to be secured via the s106 agreement, are considered sufficient and adequate to mitigate against the highways impacts of the proposed development in accordance with policy H SP2 (k) of the Arun Local Plan. This has been considered in greater detail later in the conclusion to this report.

The Council's Drainage Engineers have been consulted in relation to the proposed drainage strategy and no objection has been raised. A total of 6 conditions have been requested and these have been included in the recommendation. This has included the requirement for winter groundwater monitoring to be undertaken prior to the commencement of development. This work will ensure that the detailed drainage design takes account of site specific considerations. Therefore, subject to the inclusion of these conditions it is considered that the proposed development will accord with policy H SP2 (l) of the Arun Local Plan.

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

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

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

ILLUSTRATIVE LAYOUT AND DESIGN

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

provide well connected green spaces, provide improvements to existing village centres and deliver infrastructure.

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

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

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

The site proposes approximately up to 7.2ha of residential development, 2.4ha for either housing or a school site and 0.4ha for a D1 use (potential for nursery or health facilities as required) and 0.55 ha for a care home or specialist housing for the elderly, with 6.65ha of open space, structural planting and habitats. The design and access statement establishes key principles for the development including permeability, street design, scale and external appearance.

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

The Design and Access Statement submitted in support of the application identifies that the site will accommodate between 216-300 dwellings (dependent upon the provision of the school and D1 community building), that development will be up to 2 storeys in height with a maximum ridge height of 9.5m which is likely to be acceptable. However, it should be noted that the scale of development is not for determination as part of this outline application.

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

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

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

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

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

With layout, scale and appearance being reserved matters it is considered that the Panel comments can be addressed when the detailed layout is designed, as they will need to be balanced against other considerations, for example, the need for hedgerow retention and a noise buffer to Hook Lane.

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

It is considered that the development framework plan in conjunction with the Design and Access statement demonstrates that the development has been comprehensively master planned in accordance with policy H SP2 of the Arun Local Plan.

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

RESIDENTIAL AMENITY

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

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

The impacts of noise upon the residential amenity of future occupiers has been considered in the Noise Assessment (Dec 2016) submitted in support of the application. The report has identified that traffic noise from Hook Lane, Sefter Road and Pagham Road is the most significant noise source. The site has been identified as falling mostly within acceptable limits. Mitigation measures have been identified to ensure that internal noise levels are acceptable and with the inclusion of window glazing the maximum internal noise level would be 22.7dB during the daytime and 17.4dB at night which accords with BS 8233. The Council's Environmental Health department have been consulted in relation to this application and no objections have been raised.

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

Therefore, on this basis it is considered that the proposed development would not give rise to any unacceptably adverse harm to the residential amenity of existing nearby residential properties or future occupiers of the site.

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

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

HOUSING MIX

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

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

Policy H DM1 identifies a requirement to secure housing that would meet the needs of older people. The 'Updated Housing Needs Evidence - September 2016' (PELVP23) paragraph 5.17 states that there is a requirement to secure both specialist housing for older people as well as residential and nursing home

bedspaces (falling within use class C2). The application identifies a that the site will accommodate a D1 use Care Home or similar facility. Therefore, it is considered that the development has made provision for older people on site to help in meeting the increasing demand.

However, in addition it is expected that the development should incorporate single floor living such as bungalows or accessible flats. It is expected that any reserved matters application will incorporate such accommodation to meet the needs of the community.

Therefore, the proposed development is deemed to accord with policies H DM1 and AH SP2 of the Arun Local Plan.

HIGHWAYS AND PARKING

Access Arrangements:

The application when originally submitted proposed three accesses, with the southernmost access onto Hook Lane serving the potential primary school. However, this southernmost access has been removed from the proposal.

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

The application originally proposed a right turn lane for the Pagham Road access. However, it was identified within the initial Stage One Road Safety Audit (RSA) that the right turn lane could be used for overtaking. This alteration (removal of the right turn lane) is shown on drawing number JNY8840-12 Rev A.

The revised vehicular access arrangements have been deemed acceptable by WSCC although it has been identified that the non-motorised accesses remain as an outstanding matter. However, it has been advised by WSCC that this matter (non-motorised accesses) should be resolved via an appropriately worded condition. This would secure extension of the proposed footway along Hook Lane further northward to join the footway proposed under P/134/16/OUT as shown on drawing JNY8840/09D. This condition has been included in the recommendation report.

The proposal also includes the provision of formal bus layby on Pagham Road near the Hook Lane junction.

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

Strategic Highways Network:

Highways England have been consulted in relation to the proposed development and a holding objection had been placed upon the development until such time as an appropriate contribution was made to the enhancement of the Whyke Roundabout on the A27 (located to the north of the proposed development).

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

Cumulative Impacts:

A Cumulative Transport Assessment (CTA) has been prepared in support of this application and it has been prepared collaboratively with those (CTA's) submitted in support of planning applications P/134/16/OUT, P/140/16/OUT and P/6/17/OUT. The scope of the CTA has been the subject of discussion and agreement with the Local Highway Authority (LHA).

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

It has been identified by the LHA that a large number of 3rd party objections submitted to the Local Planning Authority (LPA) regarding delays on the B2166 (Pagham Road) arising from slow moving traffic associated with other uses. Whilst, these comments are acknowledged given that these are existing issues on the highways network, it is not the responsibility of the applicants of the current application to resolve.

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

For those junctions where mitigation is required, the proposed works or contributions are considered acceptable in mitigating the severe residual cumulative impacts of the development.

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

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

Dougal Baillie Associates - Sensitivity Assessment

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

The sensitivity assessment undertaken by DBA confirmed that the proposed mitigation works to the A27

Whyke Hill junction would address the impact of the Pagham developments provided that the works are implemented at the appropriate time. Therefore, the sensitivity analysis was focused upon the following key junctions;

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

The sensitivity assessment in this case has identified that;

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

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

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

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

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

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

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

The Common Statement of Cumulative Assessment under table 7.3 identified cumulative contributions for each of the developments taking into account the associated costs of the junction improvements identified within the sensitivity analysis. Therefore, the developments will generate a combined highways

contribution of £390,000 and a £100,000 contribution towards improvements of footpaths 101, 104 and 106 to provide a route from Pagham to Chichester via Sidlesham. As such, each developer will make the following adjusted contributions;

P/134/16/OUT - Land North of Sefter Road - £88,142.29 & Footpath Contribution of £28,572.00

P/140/16/OUT - Pagham South - £143,632.98 & Footpath Contribution of £40,816.00

P/6/17/OUT - Land north of Hook Lane - £158,224.73 & Footpath Contribution of £30,612.00

The proposed junction improvements go beyond those originally identified and proposed by the applicants and are intended to achieve no net detriment as a result of the additional development traffic. The Community Infrastructure Levy Regulations 2010 set out that a planning obligation must be necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. Therefore, it is acknowledged that existing issues are present on the highways network around Pagham but it is not the responsibility of the applicant for this application to resolve these existing issues.

The highway infrastructure improvements, to be secured via the s106 agreement, are considered sufficient and adequate to mitigate against the highways impacts of the proposed development (achieving no net detriment) in accordance with policies T SP1 and H SP2 (k) of the Arun Local Plan.

The financial contributions secured from P/134/16/OUT, P/140/16/OUT and P/6/17/OUT address the highways impacts of the Pagham strategic allocations under policy H SP2a. However, planning application P/25/17/OUT (Church Barton) has not contributed towards the cumulative mitigation strategy although in theory it should. Therefore, as an alternative a financial contribution towards sustainable transport measures has been identified - it is intended for this financial contribution to finance the implementation an off-road cycle route linking Sefter Road and the strategic allocation West of Bersted. The financial contribution is proportional to the scale of development and is deemed to meet the policy requirements of H SP2a (h) of the Arun Local Plan.

EDUCATION

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

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

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

The IDP identifies a total contribution of £1,896,000, from the 1,200 unit Pagham strategic allocation, towards the creation of 50 new nursery places. Therefore, WSCC have requested a financial contribution

of £470,250 from this development, in accordance with the IDP 2017, which will be secured via the s106 agreement.

The IDP 2017 identifies a financial contribution from the 1,200 unit strategic allocations at Pagham north and south of £5.27 million towards the 10FE Secondary school to serve the district (6FE expandable to 10FE). However, WSCC in their consultation response have requested a calculator based contribution towards expansion of Felpham Community College. When the secondary and sixth form contribution was discussed by the Pagham Advisory Group, it was questioned as to why the contribution was being directed to Felpham Community College rather than the Regis School. This was raised with WSCC education who advised that with the expansion of Felpham Community College additional capacity would (eventually) be created at the Regis School. However, it was advised that consideration would be given to directing the contribution to the Regis School for extension.

However, it is considered by the LPA that the proposed contribution should be allocated towards the proposed new secondary school identified under policy INF SP2 of the Arun Local Plan. The contribution will be prescribed for the associated feasibility and design work as well as the provision of access to serve the new school. Therefore the proposed contribution would contribute towards the necessary infrastructure identified within the IDP 2017 as required by policy INF SP1.

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

HEALTH CARE PROVISION

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

The Consultation response from the Coastal West Sussex Clinical Commissioning Group dated the 20th June 2017 has requested a financial contribution to Grove House GP Surgery for the infrastructure needs of managing GP consultant health care. This proposed project accords with the requirements of policy H SP2a (e) (iv) of the Arun Local Plan and accords with the requirements of the IDP 2017.

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

Therefore, it is considered that the proposal would accord with policy INF SP1 of the Arun Local Plan.

ADDITIONAL INFRASTRUCTURE CONTRIBUTIONS

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

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

AGRICULTURAL LAND

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

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

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

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

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

AFFORDABLE HOUSING

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

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

The proposed affordable housing provision has been considered by the Housing Strategy and Enabling Manager and it has been identified that an Affordable Housing Statement will be required to understand the detail of the 30% affordable housing on site. As this application is for outline consent the LPA will not have full details of the format of the affordable housing provision until the detailed design stage. However, the application does propose to provide 30% affordable housing which equates to 90 dwellings for a scheme of 300 units. The affordable housing provision is deemed to be acceptable and will be secured via the Section 106.

The affordable housing mix will be secured via legal agreement and as such the proposal is deemed to accord with policy AH SP2 of the Arun Local Plan.

ECOLOGY AND BIODIVERSITY

The application is accompanied by an Ecological Appraisal (January 2017) which has considered the ecological interests of the application site and the importance of the habitats present in accordance with current guidance. The Ecological Appraisal has considered mitigation measures as well as ecological enhancements.

The hedgerows on site are used by bats for commuting and foraging and will need to be retained and enhanced for bats. This will need to include a buffer strip around hedgerows during construction with fencing used to ensure that these areas are undisturbed. It has also been highlighted, by the Council's Ecological Advisor, that none of hedgerows H1, H2 and H3 should be removed and an additional 20m of hedgerow planting should be undertaken. The lighting scheme should also consider the presence of bats. Water voles were also found to be using the ditches on site and as such a condition has been incorporated with the recommendation requiring the submission and approval of adequate mitigation measures prior to the commencement of development on site. The submission of this detail has been secured via condition 31.

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

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

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

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

TREES

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

PAGHAM HARBOUR SPA/RAMSAR

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

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

- i. Make developer contributions towards the agreed strategic approach to access management at Pagham Harbour.
- ii. Create easily accessible new green spaces for recreation within or adjacent to the development site.

These shall be capable of accommodating the predicted increases in demand for local walking, including dog walking. Good pedestrian links shall be provided between existing housing areas and new and existing green spaces in order to discourage car use.

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

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

The LPA had originally screened out the application by virtue of the mitigation measures proposed being integral parts of the proposal, in accordance with the approach derived from the Hart District Council v Secretary of State for Communities & Local Government . However, the decision of the ECJ in case C-323/17 it was concluded that it was not appropriate to take account of mitigation measures intended to avoid or reduce the harmful effects of the plan or project at the screening stage of the Habitats Regulation Assessment process.

Whilst, some inconsistencies exist between this judgement and previous ECJ case law, it will be necessary until such time as further clarification is provided by the ECJ, to consider the efficacy of impact avoidance and mitigation measures such as the strategic access management and monitoring (SAMM) through an Appropriate Assessment.

The Local Planning Authority (LPA) appointed Ecological Planning & Research Ltd (EPR) to undertake the Appropriate Assessment (AA) for the current planning application. The purpose of an Appropriate Assessment (AA) is to further analyse likely significant effects identified during the screening stage. The AA evaluates the implications of the plan or project, in light of the conservation objectives of the affected International Sites and includes a test as to if the plan or project would result in significant adverse effects on site integrity.

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

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

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

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

In relation to disturbance it is concluded in paragraph 4.19 that disturbance impacts arising from the proposed development alone will not trigger a likely significant effect (LSE). However, in combination with other plans and projects it is considered that there is the potential for a LSE. The recent European

Court Judgement (ECJ) in 'People Over Wind' means where mitigation measures are relied upon it is not possible to screen out a LSE. Therefore, it will be necessary to explore if the mitigation proposed will avoid an adverse effect upon the integrity of the site.

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

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

Consideration was also given in the HRA (18/32-1A) to the combined impacts with other plans and projects. This was considered in the Arun Local Plan HRA documents (PELP 33a and PELP 33b) that informed the Local Plan examination in public. These documents were aimed mostly at addressing issues surrounding loss of functional supporting habitat for Dark-bellied Brent Geese at Pagham South, but did clarify the situation at Pagham North. In particular, it referred to new data compiled by Sussex Ornithological Society (SOS), submitted as part of its representations on a number of related planning applications at Pagham North and South.

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

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

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

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

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

Paragraph 5.52 states that the avoidance and mitigation strategy outlined by the applicant is suitably robust and meets the tests set by the consideration under AA, provided that any planning permission is conditional on the Council agreeing in writing;

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

It is identified under paragraph 5.56 that reliance on Southern Water has been tested through the EiP of the ALP and it is reasonable to rely on them to deliver effective mitigation through enhancement and reinforcement works. In order to avoid water pollution effects it has been identified that ADC will require any planning permission to be conditional on a suitably worded condition to ensure development is phased and implemented to align with delivery of sewerage network reinforcement.

As a consequence of the proposed mitigation measures it is considered that ADC can be confident that they will avoid or mitigate an adverse effect on the integrity of Pagham Harbour SPA/Ramsar, alone and in combination with other plans and projects. Natural England has reviewed the Habitat Regulations Assessment Report and concurs with the findings that the proposal is likely to have a significant effect on Pagham Harbour SPA/Ramsar through increased recreational disturbance and water quality impacts. They also agree with the conclusions of the Appropriate Assessment that the mitigation measures set out above (i.e. contribution to SAMM Strategy, provision of greenspace on site and alignment with Southern Water's delivery programme, surface water drainage strategy with additional treatment) are required to avoid an adverse impact on the integrity of the SPA/ Ramsar site. They advise that appropriate planning conditions or obligations are attached to any permission to secure these measures. As set out above conditions and obligations proposed will ensure these measures are secured.

Therefore, it is considered that the proposed development will accord with policy ENV DM2 of the Arun Local Plan.

DRAINAGE AND FLOODING

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

The Environment Agency have been consulted in relation to this application and have advised that in line with the External Consultation Checklist they will not be providing any response to this application.

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

The Flood Risk Assessment (Jan 2017) submitted in support of the application includes a drainage strategy under section 5. It is identified that it is proposed to discharge surface water flows to existing naturalised watercourses on site. Calculations undertaken by the developer have identified that attenuation storage extending to 3,078m³ will be required to attenuate storm water discharges from the site during a critical 1 in 100 year storm event. The attenuation requirements are shown on drawing no. 167/P/003 D. It is considered that the proposed attenuation basins will not result in an unacceptable impact upon the open space provision at the site.

The Council's Drainage Engineers have been consulted in respect of surface water drainage and no objection has been raised. A total of 6 conditions have been requested and these have been included in the recommendation. This includes the requirement to undertake winter ground water monitoring at the site prior to the commencement of development. This will inform the detailed design of surface water drainage at the site.

FOUL DRAINAGE

Southern Water has been consulted in relation to this application and has advised that their initial investigations indicate that they cannot provide foul sewage disposal to service the proposed development as the wastewater works at Summer Lane do not have capacity to accommodate the development.

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

Southern Water will need to work with the developer to understand the development program and review if the delivery of network reinforcement aligns with the occupation of the development. A condition would secure this and it is considered that this will be necessary to avoid any unacceptably adverse impact upon Pagham Harbour SPA/Ramsar in accordance with policy ENV DM2 of the Arun Local Plan.

BUILT HERITAGE AND LISTED BUILDINGS

Paragraphs 20(d) of the National Planning Policy Framework (NPPF) states that the planning system should contribute to and enhance the natural and local environment.

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

Paragraph 192 of the NPPF states that in the determination of planning applications the LPA should take account of the desirability of sustaining and enhancing the significance of a heritage asset; the positive contribution that conservation of heritage assets can make to sustainable communities; and the desirability of new development making a positive contribution to local character and distinctiveness.

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

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

There are a number of listed buildings situated within proximity of the application site. To the west of Pagham Road is the Grade II listed Rookery Farm which is situated approximately 100m away from the site boundary. Rookery Farm is well screened and by virtue of its location has a limited presence within the street scene.

Further to the south is the Grade II listed Nyetimber Windmill which was built in 1840 and is missing its fantail. The mill has been incorporated into the Mill Lodge residential development and is visible within the street scene when viewed from the north, east, south and west.

Rookery Farmhouse and Nyetimber Mill reflect the historic rural character of Pagham with open fields to the north assisting in understanding and appreciating this.

Views towards the proposed development (west of Hook Lane) will be restricted from Nyetimber Mill by virtue of the boundary screening and existing two storey residential development. The open fields to the north of Nyetimber Mill will be retained and as such it is considered that the proposed development will not give rise to significant or substantial harm to the setting of Nyetimber Mill.

To the south of the application site is a further cluster of listed buildings and the Barton Close area of character.

The application site is situated approximately 450m to the north of the area of character and it is considered that there are few long range views into the area of character by virtue of the existing residential development and as such the proposed development will have little impact upon its locally distinctive qualities.

Therefore, it is considered that the proposed development will preserve the setting of listed buildings surrounding the site and as such would accord with policies HER SP1, HER DM1 and HER DM4 of the Arun Local Plan. It should also be considered that the proposed development makes a significant contribution to the Local Planning Authorities housing land supply and is an allocated site within the Arun Local Plan. Therefore, it is considered that the public benefits of the development would outweigh any harm to the setting or significance of heritage assets in accordance with paragraphs 196 and 197 of the NPPF.

ARCHAEOLOGY

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

RENEWABLE ENERGY

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

SUMMARY

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

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

affordable housing which equates to 90 dwellings for a scheme of 300 units.

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

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 impacts 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) have been considered in the determination of this application.

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

SECTION 106 DETAILS

See attached Heads of Terms document

RECOMMENDATION

APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT

- 1 The permission hereby granted is an outline permission under s92 of the Town and Country Planning Act 1990 (as amended) and an application for the approval of the Local Planning Authority to the following matters must be made not later than the expiration of 3 years beginning with the date of this permission:-

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

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

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

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

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

Red Line Boundary - 167/P/009 Rev A

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

Proposed Access Arrangement Pagham Road - JNY8840-12 Rev A

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

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

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

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

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

- 6 Prior to the submission of any reserved matters application a design code masterplan shall be submitted to, and approved in writing, by the Local Planning Authority. This document shall demonstrate how the detailed proposals will reflect the objectives of the;

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

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

Reason: To enable the Local Planning Authority to control the development in details in the

interests of amenity by endeavouring to achieve buildings of visual quality in accordance with Policy D DM1 of the Arun Local Plan.

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

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

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

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

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

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

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

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

10 Development shall not commence until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall adhere to the principles below;

- The design should following 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 established highest annual ground water levels and percolation testing to BRE 365, or similar approved, will be required to support the design of any infiltration drainage.

- The development shall not proceed until formal consent has been approved in writing from the Lead Local Flood Authority (WSSCC) or its agent (ADC) for the discharge of any flows to watercourses, or the culverting, diversion, infilling or obstruction of any watercourses on the site. Any discharge of watercourse must be at a rate no greater than the pre-development run off values.

- Arrangements for future access and maintenance of any watercourse or culvert (piped watercourse) crossing or abutting the site.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with Policies D 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 surface water disposal scheme is agreed before construction commences and to protect existing watercourses prior to the commencement of development.

- 11 No building shall be occupied until the complete surface water drainage system serving it 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 D DM1, W DM2 and W DM3 of the Arun Local Plan.

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

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

- 13 Upon completed construction of the surface water drainage system but prior to occupation of any part of the scheme, the owner or management company shall either provide the local planning authority with an updated copy of the management manual incorporating any changes as a result of construction/implementation or confirm in writing that no changes are required to the manual.

No further changes shall be made to the approved surface water drainage system Maintenance & Management Plan/Regime including the management company responsible or the financial arrangements between the owners of the dwellings & the management company other than with the written consent of the Local Planning Authority.

The owner or management company shall thereafter strictly adhere to and implement the recommendations contained within the manual to ensure that the system is maintained in perpetuity.

Reason: To ensure the efficient maintenance and on-going operation of the surface water drainage system and to ensure the best practice in line with guidance set out in 'The SuDS Manual' CIRIA publication ref: C753 Chapter 32, in accordance with Policies D DM1, W DM2

and W DM3 of the Arun Local Plan.

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

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

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

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

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

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

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

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

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

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

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

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

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

Not at any time on Sundays or Public Holidays

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

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

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

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

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

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

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

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

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

- 22 No part of the development shall be first occupied until such time as the existing vehicular accesses onto Sefter Road and Pagham Road have been physically closed in accordance

with plans and details submitted to and approved in writing by the Local Planning Authority.

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

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

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

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

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

- 25 Before development commences a scheme identifying the principles to be incorporated into detailed building design as the means of energy conservation, together with on-site energy renewable devices, shall be submitted to and agreed with the Local Planning Authority. Such scheme as is submitted shall seek as a target the provision of on-site renewable energy which will generate an estimated 10% of annual energy requirements of the buildings granted planning permission. In determining the provision of on-site energy generation account will be taken of the impact on the viability of the development. Such scheme as is approved will be implemented in accordance with the scheme.

Reason: In accordance with Policy ECC SP2 of the Arun Local Plan. It is considered necessary for this be a pre-commencement condition as sustainability goes to the heart of the approval.

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

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

- 27 No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which

has been submitted by the applicant and approved in writing by the Local Planning Authority.

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

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

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

- 29 Prior to commencement of development a badger survey should be undertaken to ensure badgers are not using the site. If a badger sett is found onsite, Natural England should be consulted and a mitigation strategy produced and submitted to the Local Planning Authority for approval.

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

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

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

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

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

- 32 Prior to the commencement of development, an Electric Vehicle Charging Strategy will be

prepared and submitted to the Local Planning Authority which identifies the nature, form and location of electric charging infrastructure to be provided across the development. The electric vehicle strategy shall then be implemented in accordance with the approved details.

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

- 33 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.
- 34 INFORMATIVE: This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0845 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.
- 35 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by 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.