

Recommendation Report for Approval of Reserved Matters Following Outline Approval

REF NO: P/70/19/RES

LOCATION: Land North of Summer Lane
Pagham
PO21 4NG

PROPOSAL: Approval of reserved matters following outline consent P/58/15/OUT for 90 No. dwellings.
Also seeking to address the terms of planning conditions 6 (Phasing), 8 (ecology), 9 (Surface Water), 12 (Vehicular Access), 15 (Parking), 18 (Travel Plan), 20 (Landscape Management), 24 (Parking Control), 25 (Dwelling Parking) and 26 (Materials).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Reserved matters for approval of 90 dwellings with associated parking, road/footway provision, open space, landscaping and ancillary works. Approval of scale, layout, external appearance and landscaping are sought. Access was approved at the outline stage. The scheme includes a mix of 2, 3 & 4 bed houses. The mix is shown on the submitted "Pagham Accommodation Schedule - 20Nov19" which details house type, tenure, height, parking spaces and internal floor space. Twenty-seven dwellings will be Affordable Rented (AR). These are split between the eastern and western parcels with those in the west forming a distinct part of a road but those in the east more mixed with market dwellings. Parking provision is mixed with single & double garages, driveways, frontage parking spaces and road side visitor spaces. The total provision is 208.5 spaces which consists of 13.5 garage spaces (27 divided by 2 as per the Parking Standards SPD), 22 visitor spaces and 173 other allocated spaces. All garage spaces are at least 6m by 3m. All of the houses are two storeys. The site plan indicates sheds in the rear gardens of those houses not having a garage which are likely to be cycle stores but no details are provided therefore a condition will be required to ensure approval of such details. A condition will also be required regarding bin stores/storage spaces as these are not shown. Improvements to Summer Lane were approved as part of the outline permission and include the addition of no waiting yellow lining along the initial part of Summer Lane (secured
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through a Traffic Regulation Order), the widening to 4.8m of parts of Summer Lane along the site frontage (and where not possible, the addition of double yellow lining), a layby parking area on the opposite side adjacent to the POS, a tactile paving crossing point between one of the two POS entrances & the northern side of Summer Lane and new footway along the Summer Lane frontage.

The POS area is to be laid out with a mixture of grassed meadow planting, plants, trees and pathways. Lighting, fencing and benches are also to be provided. A 400m² Local Equipped Area for Play (LEAP) is also shown although the finer details of this space will be secured by condition.

The residential layout also includes some small areas of informal open space within the scheme such as between plots 25/30 and around two of the drainage attenuation basins. A footpath link into the adjacent Crayfern site is also indicated within the space between plots 25 & 30. There is a pumping station indicated in the very south western corner and the details of this will be secured by condition. The layout also shows various headwalls and two substations.

The application includes a comprehensive hard & soft landscaping scheme which includes new trees, new shrubs, hedges and grassed areas. Hard landscaping is indicated on the drawings and on the materials schedule and consists of tarmac to roads, paving sabs to parts of rear gardens. There are no other hard landscaping details. The scheme also indicates the position of hard boundary treatments (1.8m timber fencing, 1.8m high brick walls and 1.2 timber knee rail fences) and there are colour images to show these. There is also a lighting scheme for the site which shows 5m high column lighting throughout the layout.

SITE AREA	5.6 hectares including access.
RESIDENTIAL DEVELOPMENT DENSITY	16.1 dwellings per hectare
TOPOGRAPHY	Appears flat but has a slightly declining gradient from east to west.
TREES	T01 - Ash tree to be removed to facilitate the eastern access; H02 - Hawthorn/Blackthorn hedge part to be removed at the eastern entrance; T03 & T05 - Two Oak trees subject of provisional TPO's (TPO/P/1/20) situated on part of the ditch boundary; T04 - Oak tree between T03 & T05 to be removed; T06 - Goat Willow to be removed to facilitate development; T07 - Common Hawthorn to be removed to facilitate development; T08 - Oak tree situated off site to be retained.

In addition, TPO/P/1/15 and TPO/P/2/15 refers to three trees

on the adjacent Crayfern development site on the other side of the ditch. These are unaffected by the proposed development.

BOUNDARY TREATMENT

The northern boundary is defined by a ditch with a circa 1.8m high timber fence on the other side and there is a hedgerow/low fencing bordering a small paddock to the north west/the Mill Farm Residential Park Home estate. To the east the site is bordered by broken hedgerow and timber fencing to rear gardens of Brooks End/Sylvia Close. The southern boundary is similar with fencing and hedgerows. divided hedgerows and post and rail fencing. The remainder of this boundary abuts Summer Lane. The site is split in two by third party land stretching north from Summer Lane and this is also bordered by fencing and hedgerows. The part of the site to the west of this is currently open to Summer Lane and to the adjoining land to the west. The parcel of land to the south is open on its north, west and southern boundaries. The east is bounded by a village hall, open space and garden boundary fences associated with existing properties.

SITE CHARACTERISTICS

The site covers two separate parcels of land both to the north of Summer Lane, with a separate parcel of land to the south. The area of land to the south is proposed as Public Open Space (POS).

The site is split in two by third party owned land projecting north from Summer Lane. The western parcel is mainly agricultural land whilst the eastern parcel is informal scrub land. To the west of the site the land is bordered by arable land which continues in a westerly direction. To the east of the housing site are the rears of dwellings associated with Brooks End and Sylvia Close, and there are a number of residential properties and Pagham United Reformed Church which face the proposed POS area. Land to the north is dominated by the newly built Crayfern development and by Mill Farm Park Home estate.

Summer Lane comprises a road and a public footpath (FP100) providing access to a small number of large, detached properties arranged in a linear formation on the north side. Summer Lane continues in a westerly direction where it provides access to a small number of isolated properties, but it is more regularly used as a footpath.

The eastern parcel is overlooked by houses along Summer Lane, at the ends of Brooks and Sylvia Closes and situated within the Crayfern site to the north. The western parcel shares a boundary with the dwelling known as Meadow Sweet and a further dwelling located behind (itself associated with a builders workshop unit). The mobile homes to the north west are all single storey but do have a view out into the fields.

CHARACTER OF LOCALITY

Despite its relatively close proximity to Pagham the site has a

rural feel owing to the nature of the site and the large expanse of open countryside to the west. It sits on the very western edge of the settlement, the extent of which generally follows the line of Pagham Road. The only exception to this is the Mill Farm Estate which lies to the north of the site which comprises a large residential park homes estate; this encroaches into an area of former countryside.

Dwellings to the south along Summer Lane are detached properties of individual appearance. Properties to the east within Brooks End and Sylvia Close comprise a mix of detached and semi-detached dwellings.

RELEVANT SITE HISTORY

P/52/19/PO	Application to Modify a Planning Obligation dated 30 September 2016 under P/58/15/OUT relation to the definition of 'Affordable Housing Units'.	Approve 29-10-19
P/58/15/OUT	Outline application with some matters reserved for the erection of 90 No. dwellings with associated access & open space. This is a Departure from the Development Plan.	App Cond with S106 30-09-16

P/52/19/PO allowed a change to the mix of affordable housing units at the site.

The following conditions imposed by the outline permission ref P/58/15/OUT set parameters for how the reserved matters application was to be drawn up and delivered:

(4) The development hereby permitted shall be limited to no more than 90 dwellings and the reserved matters submitted pursuant to condition no1 shall generally accord with the principles shown on the drawing entitled 'Block Plan'.

(5) The buildings hereby approved shall not exceed two-storeys in height.

(6) Detailed plans and particulars of the Reserved Matters submitted to the Local Planning Authority pursuant to Condition no1 shall include a phasing plan and schedule to show how the development of the site is to be carried out in numbered phases. The development shall be carried out in accordance with the approved schedule and phasing.

(9) Detailed plans and particulars of the Reserved Matters submitted to the Local Planning Authority for approval pursuant to Condition no1 shall include full details of a proposed surface water drainage scheme. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, the recommendations of the SUDS Manual produced by CIRIA. Winter groundwater monitoring to establish 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. No building shall be occupied, in each

respective phase, until the complete surface water drainage system serving the dwellings in each respective phase has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

(12) Detailed plans and particulars of the Reserved Matters submitted to the Local Planning Authority for approval pursuant to Condition no1 shall include full details of vehicular access onto Summer Lane. The development shall be carried out in accordance with the approved details and shall be implemented prior to the occupation of any dwelling in each respective phase.

(15) Detailed plans and particulars of the Reserved Matters submitted to the Local Planning Authority for approval pursuant to Condition no1 shall include full details of the proposed parking bay and crossing point on Summer Lane, as detailed on the submitted plan entitled 'Block Plan. The development shall thereafter be carried out in full accordance with the approved details and implemented in full before the first dwelling is occupied.

(18) Detailed plans and particulars of the Reserved Matters submitted to the Local Planning Authority for approval pursuant to Condition no1 shall include the full details, measures, monitoring and subsequent reporting, as set out in the approved Travel Plan which is included in the submitted Transport Statement. The approved measures shall be implemented in full prior to the occupation of any dwelling hereby approved.

(20) Detailed plans and particulars of the Reserved Matters submitted to the Local Planning Authority for approval pursuant to Condition no1 shall include a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscape areas other than privately owned domestic gardens. The landscape management plan shall be implemented in accordance with the approved details.

(24) Detailed plans and particulars of the Reserved Matters submitted to the Local Planning Authority for approval pursuant to Condition no1 shall include a scheme of mitigation in order to restrict the potential for vehicle parking in the vicinity of the proposed eastern access onto Summer Lane. Such approved measures shall be implemented in accordance with the approved details and retained thereafter.

(25) Detailed plans and particulars of the Reserved Matters submitted to the Local Planning Authority for approval pursuant to Condition no1 shall include full details of the proposed car parking spaces associated with each dwelling. Such approved spaces shall thereafter be retained at all times for their designated use.

(26) Detailed plans and particulars of the Reserved Matters submitted to the Local Planning Authority for approval pursuant to Condition no1 shall include a schedule of materials and finishes to be used in the external walls and roofs of the buildings. A 'statement of detail' shall be submitted setting out details of the proposed windows and doors, details of depths of recess/reveal from the brickwork, sills and lintels, brick bonding, brick detailing, eaves detailing and rainwater goods. The materials and 'statement of detail' as approved shall be used in the construction of the buildings.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Pagham Parish Council

Bognor Regis Town Council

PARISH COUNCIL:

Initially raised concerns with the application but did not state an objection. Following amendments to the scheme, wrote again on 11/12/19 to make the following comments:

- (1) Are pleased to see the improvements to the layout of the POS and this will be transferred to the Parish;
- (2) Request that access is shown from the Village Hall to the POS. Note that there is a permanent pedestrian access through the car park which is not dependent on the Village Hall being in use;
- (3) Do not require a LEAP within the POS as there is already a play area at the Pagham Village Hall and therefore the one shown is unnecessary. If however it is included and became the responsibility of the Parish Council, then would want to be consulted on the design and content of the LEAP;
- (4) No lighting should allow light leaks upwards from the units. Bollards should be solar powered;
- (5) Would like to see signage encouraging responsible dog ownership;
- (6) Welcome the improvements in layout of the residential development in relation to a potential connection to the neighbouring site and in respect of the increased space between neighbouring dwellings;
- (7) In relation to bin storage, the Council would like to see planting or other screening to help reduce the visibility of bins;
- (8) Request to be consulted on the Hydrological Report and Designer's Risk Assessment when these are received.

LOCAL RESIDENTS:

Twenty-nine objections raising the following material planning considerations:

- (a) Existing boundary ditch has been widened illegally;
- (b) Drainage strategy is confused and will not work;
- (c) Permission should not be granted unless drainage resolved;
- (d) Site regularly floods so where will water go;
- (e) Should not be allowed to start work without first doing Summer Lane improvements;
- (f) Western access to be built too close to Sylvia Close gardens, will cause disturbance;
- (g) Streetlight positioned to rear of Sylvia Close gardens will harm amenity of gardens;
- (h) Plots 2 & 3 will face towards 3 of the Sylvia Close houses and should instead face north;
- (i) Harm to pets used to being able to access the field but now faced with a road - need signage to warn drivers to look out for pets;
- (j) Tree planting to rear of Sylvia Close will block out light to these gardens;
- (k) Impact on traffic congestion and highway safety in the wider Pagham area;
- (l) Not enough local infrastructure inc sewage treatment;
- (m) Loss of wildlife;
- (n) Loss of agricultural land;
- (o) Overdevelopment;
- (p) Summer Lane should not be altered to accommodate more cars;
- (q) Need assurance regarding works to Summer Lane;
- (r) Need details as to pedestrian crossing on Summer Lane;
- (s) Summer Lane not wide enough in places for two refuse sized vehicles to pass each other;
- (t) Clarification on proposed footway on Summer Lane;
- (u) No streetlighting on Summer Lane so cars parked in the layby could be vandalised/broken into;
- (v) People regularly stop on double yellow lines in the area so how will this be stopped;
- (w) Machines brought onto site and site cleared before wildlife studies took place; and
- (x) Wildlife studies carried out in Autumn & reptile mats placed not directly on ground.

COMMENTS ON REPRESENTATIONS RECEIVED:

PARISH COUNCIL:

- (1) Noted. The Council's Landscape Officers have raised no objection in principle to the transfer of the POS to the Parish Council;
- (2) The applicant has highlighted that they initially showed an access from the POS to the adjacent Village Hall land (on their first plan ref M323-350 Rev P4) and that in the Parish's first response (13/09/19), it was stated that: "Access arrangements will need to be reviewed as the submitted plans assume access is possible through the paddock field currently in the ownership of the Parish Council. The field is next to a car park, but this services the Pagham Village Hall and is not open unless the hall is in use. The Parish Council does not control the carpark or hall.". It was for this reason, that the applicant removed the proposed access between the POS and the Village Hall land. However, the applicant did state that they would agree to a planning condition that seeks to secure an access point and a suitable condition has been proposed;
- (3) The LEAP is shown on the plans as it is required by the terms of the signed Section 106 and the applicant must ensure compliance with this. However, the applicant has proposed that this can be reconsidered at a later date through a post-decision variation to the Section 106. It is also proposed that a planning condition be included to require approval of the details of the treatment of the area of the POS on which the LEAP is shown (which will either secure the LEAP details or replacement landscaping if no LEAP is desired);
- (4) A lighting scheme has been included and includes either bollard lighting (within the POS) or column mounted lamps which face down. The lighting scheme is also stated (within the Ecology Mitigation Strategy) to have considered the location of bat and badger commuting & foraging habitat around the scheme;
- (5) The applicant has stated no objection to a condition requiring signage and this has therefore been included;
- (6) Noted;
- (7) The scheme proposes bin storage within gardens therefore it is assumed that the Parish comment is in reference to the four bin collection points which are there for use on days when the bins are to be emptied and are a temporary location in which the bins can be "parked". Three of these are screened by tree planting;
- (8) The Parish were consulted on the additional drainage documents on 13/12/20 but did not make any further comments.

LOCAL RESIDENTS:

- (a) Council drainage engineers are aware of this but it should be noted that this was not undertaken by the current applicants;
- (b) - (d) Noted however the Council's drainage engineers raise no objections to the scheme and are able to support the application. It should also be noted that winter groundwater monitoring was carried out over the winter of 2018/19 in order to determine the peak seasonal groundwater level. The proposed site levels and surface water attenuation features were then designed to mitigate the proposed development against the risk of ground water flooding;
- (e) Condition 14 of the outline application P/58/15/OUT states that: "No part of the development in any phase shall be first occupied until a footway has been constructed along the north side of Summer Lane, the Summer Lane/Pagham Road junction has been realigned, and the other works as indicatively shown on drawing number 120843/A11 Revision C have been provided in accordance with plans and details submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority." Therefore, the applicant is able to start work before these highway works are carried out.

- (f) Noted however, the amount of development has already been established through approval of outline planning permission P/58/15/OUT and this also established the two access points into the site;
- (g) The proposed lights will face down to the ground and the submitted "Area Lighting Calculation" ref 100046.PRIV.003.B confirms no light spillage beyond the site boundaries;
- (h) This request was put to the applicant but they did not consider it possible as these houses would then lose their gardens plus the houses are 33m away and trees will be planted in-between;
- (i) The speed of the section of the road will be low enough to allow drivers to see any pets therefore signage is not necessary;
- (j) The trees in this area will grow to varied maximum height after 25 years (in the range of 7 to 12m) and a varied maximum spread too (3-6m). There will be some light loss when the sun is in the west but as the trees are loosely spaced out and as the sun will be high in the sky during the summer months (during the winter, there will be less foliage on the trees), then the impact on gardens will be low;
- (k) - (n) These issues were determined at the time of the outline application which considered the principle of 90 new homes, the capacity of infrastructure, the impact to wildlife, loss of agricultural land and the access arrangements. These matters cannot be reconsidered on this reserved matters application;
- (o) The outline permission established the principle of 90 new two storey dwellings on the site;
- (p) The outline permission established the access arrangements to the site and the improvements/amendments to Summer Lane;
- (q) The works to Summer Lane were approved by the outline permission and the relevant plans can be inspected on our website. These works are to be provided before any of the new houses are occupied;
- (r) The detail is shown on drawing 039.5017.0701 Rev E "Proposed New (Road) Layout" and consists of tactile paving on opposite sides of Summer Lane;
- (s) This is unlikely to ever be an issue as only one refuse vehicle will service the development however parts of Summer Lane are 4.8m wide so there are places where they could pass each other;
- (t) The proposed 1.8m wide footway is shown on drawing 039.5017.0701 Rev E "Proposed New (Road) Layout";
- (u) There is no current streetlighting on the part of Summer Lane west of the new eastern access. The parking layby benefits from natural surveillance from the existing houses and there will be bollard lighting at each end of the adjacent POS which will provide some illumination in the general vicinity of the layby;
- (v) This will be subject to enforcement by the local parking authority, or if the vehicle is obstructing the highway or posing a danger to others, then by the Police; and
- (w) & (x) The site was initially assessed in 2015 and it was identified as having potential for bats, water voles, reptiles, badgers and nesting birds. A condition was imposed on the outline permission requiring an Ecological Mitigation Strategy and this has been provided with this application and accepted by the Council's ecologist who raises no objections with the application. Further survey work was carried out by the applicant's ecologists (Aluco) in Spring 2018, Summer 2018, September 2018 and April 2019. It is unclear what the writer refers to in respect of studies being carried out in the autumn however, the months of September and October (albeit the latter less so) are appropriate times to survey for reptiles.

CONSULTATIONS

Highways England
WSCC Strategic Planning
Natural England
Environment Agency
Surface Water Drainage Team
Environmental Health
Parks and Landscapes
Arboriculturist

Southern Water Planning
Planning and Housing Strategy
Sussex Police-Community Safety
NHS Coastal West Sussex CCG
Engineering Services Manager
Engineers (Drainage)
Archaeology Advisor
Ecology Advisor
Ecology Advisor

CONSULTATION RESPONSES RECEIVED:

NATURAL ENGLAND - Have no comments to make on the reserved matters submission or the discharge of the conditions.

NHS - No comments received.

HIGHWAYS ENGLAND - No objection on the basis that all matters relating to the Strategic Road Network (SRN) were dealt with at the outline stage under P/58/15/OUT, and there have been no material changes of circumstances since. Therefore, provided that all the outline conditions continue to apply to the proposals, have no comment on the current reserved matters application, since if permitted, they will be unlikely to materially affect the safety, reliability and / or operation of the SRN.

ENVIRONMENT AGENCY - No objection.

SOUTHERN WATER - No objection.

SUSSEX POLICE - No objection but list a number of advisory notes regarding improving security.

WSCC HIGHWAYS - Following earlier concerns with internal road width leading to plots 24-29, refuse collection for plots 81-82, the intended use of the turning head near plot 65, driveway lengths and the Road Safety Audit Designers Response, have advised that there are now no concerns and that conditions will be required to secure the car parking and also cycle storage facilities.

WSCC DRAINAGE STRATEGY TEAM - Advised no comments and requested instead that ADC Drainage Engineers be consulted.

ADC ECOLOGIST - No objections. Advise that are satisfied with the ecological mitigation and enhancements which have been proposed within the Ecology Mitigation Strategy (July 2019) and that this is in line with the proposals agreed as part of the outline application. Request that the results of the continued monitoring for water voles be provided to them to ensure if any water voles are found to be present so that Ecology are aware and are able to review the mitigation proposed. The Ecologist separately confirmed that they were happy with the applicants starting the translocation of reptiles early in 2019 as it gives them more time to complete the translocation before the weather becomes too cold. The Ecologist also stated that she was happy for the site clearance/preparation works to be carried out early but under the supervision of the ecologist (Aluco) with no disturbance or compaction by vehicles of reptile areas.

ADC ARCHAEOLOGIST - No objections. Note that the areas north of Summer Lane that are the subject of this application have been archaeologically evaluated by trial trenching and that no significant

archaeological activity was identified. In the circumstances there would be nothing to be gained from any further archaeological intervention here. State that condition 17 should not be discharged until documentation has been provided

ADC DRAINAGE ENGINEER - Withdrew earlier concerns with the scheme on the basis that the off-site improvements as discussed at the site meeting would be undertaken by the developers (subject to agreement from landowners) and addressed as part of a future discharge of conditions application. If it was not for these improvements, then Engineers would not agree to a strategy that discharges surface water to the ditch and then back into the surface water system. However, it is not possible to agree the drainage scheme through this reserved matters application as the application lacks to required level of detail therefore a new condition is required to secure the approval of the requisite details. The off-site improvements would then be secured through the discharge of conditions process.

ADC HOUSING STRATEGY & ENABLING OFFICER - No objection.

ADC LANDSCAPE OFFICER - No objection. Comment that:

- Have reviewed the landscape planting plans sheets 1-8 Dwg no M323-301- 308 which propose a comprehensive and varied planting scheme for plot and Public Open Space (POS) areas;
- The landscape proposals detailed in Public Open Space plan 350 Rev 5, South of Summer Lane POS area, propose a detailed scheme, which is suitable for location with species mix and planting densities;
- Consultation should be considered with Pagham Parish Council who will be responsible for this area post handover to ensure that they are comfortable with the proposals for this area and the nature of the maintenance commitment required;
- The Maintenance and management Document is sufficiently detailed with responsibility and maintenance requirements identified and therefore it has met the requirements under outliner condition 20; and
- This plan does however still contain detail of the proposed LEAP and conditions should be placed to say "Proposals for the area identified as a LEAP shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation." If the LEAP proposals in the southern POS are not taken forward then this condition could be used instead to control how the area is laid out instead.

ADC ENVIRONMENTAL HEALTH - Request conditions to secure electric vehicle charging points, to control hours of construction works, to secure details of lighting, to secure acoustic mitigation measures to the new houses, to secure an assessment of site contamination, to secure a Construction Management Plan and to prevent any burning on the site. Also request a consideration of air quality issues

ADC TREE OFFICER - Raised objection as no justification for the wholesale removal of trees from the site and requested in particular that T03 and T05 (Oak trees in the NE corner) be retained.

COMMENTS ON CONSULTATION RESPONSES:

ADC ECOLOGIST

In respect of the request for results of the continued monitoring for water voles, this can be provided with the separate application required to discharge condition 8 of the outline Planning Permission ref P/58/15/OUT. This condition requires the separate submission of the Ecological Mitigation and Enhancement Scheme and the water vole results will influence this Scheme.

ADC DRAINAGE ENGINEER

There is already a drainage condition on the Outline Planning Permission but this is worded to require the approval of details through the reserved matters application and Council Engineers do not consider they have all of the requisite details to agree the drainage scheme. Therefore, it is necessary to impose a new condition. However, the standard condition has been amended because (a) the applicant has already carried out winter monitoring; and (b) the applicant will not agree to a pre-commencement type condition and the Council is unable to impose such a condition without the applicant's agreement.

ADC LANDSCAPE OFFICER

Pagham Parish Council are aware of the application documents and the plans for the Public Open Space (POS). The condition regarding the LEAP has been agreed with the applicant and is included in the recommendation.

ENVIRONMENTAL HEALTH

It is not appropriate to request a pre-commencement contamination condition now as it should have been raised at the Outline stage since it relates to the principle of development not the detail. Environmental Health were consulted on the Outline and did not raise this then. In addition, a lighting condition is not appropriate as the applicant has supplied lighting details and Environmental Health have been consulted on this application twice and so had ample opportunity to review the lighting details. Furthermore, there is no justification for a condition to secure acoustic mitigation as this is not a noisy site with no main road passing it and no other sources of noise.

There is already a Construction Management Plan condition on the Outline Planning Permission so it is not appropriate to impose an additional one. Lastly, although it would be appropriate to consider air quality issues at the reserved matters stage, this request was not prominent within the Environmental Health response (mixed in with various condition requests) and it is too late to now consider it.

The burning of material on site is covered by separate legislation therefore a condition is not reasonable.

TREE OFFICER

The two Oak trees are now subject of a provisional TPO. The other trees within the site are not considered to be of high amenity value and it is necessary to remove these to facilitate the development. No concerns were raised to the other site trees at the determination of the Outline application. The Tree Officer did not provide any comments in response to the consultation request on the amended plans and so has not recommended any conditions. There is already a condition on the outline regarding tree protection but it has been necessary to impose a new one to ensure that the protection measures are provided as per the updated tree survey/protection documents.

POLICY CONTEXT

Designations applicable to site:

Within the Built Up Area Boundary;
Within 5km buffer of Pagham Harbour SPA;
Within 2km buffer of Pagham Harbour SSSI;
Within 2km buffer of Bognor Reef SSSI;
Area of Special Control of Adverts;
Provisional Tree Preservation Order ref TPO/P/1/20; and
Part highway D64, part private road P352 and Public Right of Way PAG/100/5.

DEVELOPMENT PLAN POLICIESArun Local Plan 2011 - 2031:

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM2	ENV DM2 Pagham Harbour
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
GISP1	GI SP1 Green Infrastructure and Development
HDM1	H DM1 Housing mix
HSP1	HSP1 Housing allocation the housing requirement
HWBSP1	HWB SP1 Health and Wellbeing
LANDM1	LAN DM1 Protection of landscape character
OSRDM1	Protection of open space,outdoor sport,comm& rec facilities
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QEDM3	QE DM3 Air Pollution
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP1A	SD SP1a Strategic Approach
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
SPD12	Open Space,Playing Pitches & Indoor& Built Sports Facilities
PDS	Pagham Parish Council's Village Design Statement by PaghamPC

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's

Waste and Minerals Plans and Made Neighbourhood Development Plans.

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

The Neighbourhood Development Plan

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

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

However, given the conflict between the PNP and the NPPF, the PNP should be attributed no weight at this time. It must also be highlighted that the PNP in its current format is not considered to be in general conformity with the Arun Local Plan and is therefore in conflict with Paragraph 036 (Reference ID: 41-036-20190509) of the Planning Practice Guidance.

Policies DM1, DM2, DM3 and DM4 are all relevant however as the principle of the development has already been established and the extent of infrastructure contributions/Pagham Harbour mitigation measures agreed, there can be no conflict with policies 1, 3 & 4. Policy DM2 seeks to safeguard local green space and included within the designation is the part of this site that is south of Summer Lane. However, there is no conflict as the proposal is to create formal public open space on this area.

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 result in a development of an appropriate scale, layout and appearance which is not harmful to the character & appearance of the area, the existing trees of amenity value or the amenities of existing residents.

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 principle of 90 dwellings with two accesses from Summer Lane has been established by

P/58/15/OUT which was approved in September 2016 and it is therefore only necessary to consider the outstanding details - layout, appearance, landscaping and scale. In addition, it is only appropriate to consider development plan policy/material considerations in respect of these reserved matters. Therefore, matters relating to flood risk, biodiversity, agricultural land, countryside location, foul drainage (the principle of 90 new dwellings connecting to the network), children's play and infrastructure are all outline issues.

COMPLIANCE WITH OUTLINE CONDITIONS

The following is an analysis of the reserved matters submission versus those conditions on the Outline which either set parameters for the design or which required that certain details be provided with the reserved matters application.

(4) The proposal is for no more than 90 dwellings and the layout is considered to generally accord with the principles shown on the Block Plan submitted with the outline planning permission ref DLA.1552.L003.01 Rev D.

(5) The houses proposed either have one or two storeys of accommodation.

(6) The application includes a phasing plan ("Construction Phasing Plan & Schedule" 1177 PD007 Rev A) which shows 7 different phases.

(9) The applicant has provided winter groundwater monitoring data and a drainage strategy which has been agreed in principle however, the details provided are not considered to be sufficient to enable this condition to be agreed. Therefore, an additional drainage condition will be imposed to require post-submission approval of the details of the surface water drainage scheme.

(12) The application provides sufficient details of the access onto Summer Lane and County Highways have raised no objections.

(15) The application provides sufficient details of the proposed parking bay and crossing point on Summer Lane and County Highways have raised no objections.

(18) The application provides an updated Travel Plan document with mitigation and monitoring measures and County Highways have raised no objections.

(20) The application provides a Landscape Management and Maintenance Plan and neither the Councils Landscape Officer nor the Parish Council raise any objection to this document.

(24) County Highways' advice dated 29th August 2019 stated that condition 24 will only be considered discharged once there is certainty that the Traffic Regulation Order (TRO) will be made and the associated waiting restrictions implemented. They go on to state that this will be met once the consultation on the TRO has been completed. Consultation on the TRO (ref JWA9008MM) ended on the 31st October 2019 and so the requirement has been met. WSCC Highways subsequently advised on 27/02/20 that all of the objections that were received have been resolved and that therefore, the developer is now free to install the no waiting restrictions in accordance with the details on which the consultation took place.

(25) The application provides sufficient details of the proposed car parking spaces associated with each dwelling and County Highways have raised no objections.

(26) The application provides a schedule of materials and finishes to be used in the external walls and

roofs of the buildings. There is also a Statement of Detail covering the items referred to by the condition within the submitted Design & Access Statement.

LAYOUT, APPEARANCE AND SCALE:

Policy D DM1 of the Arun Local Plan (ALP) requires the Council seek to make the best possible use of the available land by reflecting or improving upon the character of the site and the surrounding area. It also requires the Council to consider scale, massing, aspect, siting, layout, density, building materials, landscaping, and design features. It is necessary that development demonstrates a high standard of architectural principles, use of building materials and hard and soft landscaping to reflect the local area.

In terms of density, D DM1 requires that housing makes efficient use of land while providing a mix of dwelling types and maintaining character and local distinctiveness. Higher densities will be more appropriate in the most accessible locations. The policy requires the scale of development keeps in the general confines of the overall character of a locality. D SP1 "Design" requires development to make efficient use of land and reflect local character. Regard should be had to para 127 of the NPPF which states development must be visually attractive and sympathetic to local character and history.

The Council has an emerging Design Guide which has recently been through a consultation process (this ended on 21/02/20) and as such the document can only be low weight at this time. The National Design Guide has full weight as a material consideration in the determination of this application. This states achieving a well-designed place comes about through making the right choices at all levels, including the layout (or masterplan), the form and scale of buildings, their appearance, landscape, materials and their detailing. It sets out ten characteristics of beautiful, enduring and successful places: Context, Identity, Built form, Movement, Nature, Public spaces, Uses, Homes & Buildings, Resources and Lifespan. This is analysed below.

As per condition 4 on the outline planning permission, the layout is generally in accordance with the Block Plan submitted with the outline planning permission (ref DLA.1552.L003.01 Rev D). The site is constrained by the third party owned land which splits the land into two as well as the two access positions and as such, there was unlikely to be any significant change in layout. The layout does not include any real areas of Public Open Space (POS) with only a small space near plot 30 and the areas around the new attenuation ditches, but this is acceptable given the proposed large POS to the south of Summer Lane. In addition, subject to a future footpath link over the ditch to the north east, residents will be able to access the POS within the adjacent Crayfern Homes development.

The layout is generally considered to be positive and proposed 90 dwellings in a green and pleasant environment with good outlook and the benefits of soft landscaping. The layout has a mixed character to it with most of the eastern parcel appearing quite dense (the exception being the part to the north adjoining the ditch) whilst the western parcel being more spacious.

The houses are predominantly 2 storeys but there are also 1 storey dwellings and some with the first floor in the roof (described as one and a half storeys). The levels layout shows no significant change in levels on the boundaries of the site with any significant (greater than 0.3m) increases in ground level confined to more central areas. The streetscenes are mixed with different plot types (and hence design), heights and building lines. All houses have green front gardens or buffer strip areas and the layout is open plan with no front boundaries shown. The materials palette is based around brick (2 types), tile (2 types) but also timber weather boarding and natural slate. The submitted materials schedule is considered to be appropriate and hence there is no requirement for a further planning condition. The Summer Lane frontage is made up predominantly of single storey dwellings punctuated by a couple of two storey ones.

The applicant has provided a written response to the National Design Guide which is available on the

Councils website (labelled as "National Design Guide Rev A" within the Substitute Plans). This assesses the application against the ten characteristics of beautiful, enduring and successful places and it is considered that the proposal is reflective of the guidance with the National Design Guide. The Council agrees with the assessment.

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

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

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

It is not considered that there is any conflict with this other than perhaps in respect of (2) as the proposal seeks to develop open land and changes the character of that land. It is also considered that the area does not have a defined local vernacular and that the development is sympathetic to this, having its own style within a traditional palette fitting of the area.

Matters of layout, appearance and scale are appropriate for the characteristics of the site and the character/appearance of the surrounding area. The proposal accords with ALP policies D DM1, D SP1, the National Design Guide and the guidance in the NPPF.

LANDSCAPING & TREES:

ALP policy LAN DM1 states: "Development throughout the plan area should respect the particular characteristics and natural features of the relevant landscape character areas and seek, wherever possible, to reinforce or repair the character of those areas." In addition, policy D DM1 requires developments to incorporate new tree planting and to improve upon character through landscaping.

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

The application is accompanied by several planting plans and these are considered to provide for a comprehensive and varied planting scheme for the plot and POS areas, including in respect of the new large POS to the south of Summer Lane. Protection measures are also proposed to trees to be retained, currently the subject of a provisional Tree Preservation Order. It is proposed to plant around 221 new trees and this more than compensates with the small number to be lost. The scheme also proposes the planting of new hedges, shrubs and flowers. A condition is imposed to require a pre-commencement site meeting with the Tree Officer to inspect the tree protection measures.

It is therefore considered that the scheme is in accordance with ALP policies LAN DM1, D DM1 and ENV DM4.

OTHER MATTERS:

The reserved matters have been considered above. There are other issues to consider which relate to the detail of the scheme but do not neatly fall under the above headings.

(A) Housing Mix

ALP policy HDM1 provides for a mix of housing to meet local needs and requires all housing development should provide a mix of dwelling types and sizes to address the nature of local housing needs and market demand. The policy does not prescribe a specific housing mix that must be met by individual applications, with the policy stating that each must be considered on its own merits. The policy preamble (12.2.4) acknowledges that the final mix will be negotiated on a site by site basis, having regard to the most up to date Strategic Housing Market Assessment (SHMA).

The 2012 SHMA was the subject of an update by GL Hearn in 2016 ("Updated Housing Needs Evidence", September 2016) in which paragraph 6.3 stated that the evidence highlighted a direction towards the provision of 2 and 3 bed units for market units and smaller affordable units. The 2016 update acknowledges at paragraph 6.10 that the analysis clearly shows the different profiles in the different broad tenures with affordable (rented) need being more heavily skewed towards smaller dwellings and market housing predominantly homes with three or more dwellings. Table 29 identifies a suggested broad mix housing by size and tenure for the District.

The proposed development comprises the following housing mix:

- 44 x 2-bed dwellings (49%);
- 38 x 3-bed dwellings (42%);
- 8 x 4-bed dwellings (1%).

The range is considered to be acceptable with reference to the advice in the SHMA and ALP policy H DM1.

(B) Residential Amenity -

ALP policy D DM1 requires the Council have regard to certain aspects including having minimal impact to users and occupiers of nearby property and land (such as by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance). Policy QE SP1 states the Council will ensure that development does not have a significantly negative impact upon residential amenity. It is necessary to have regard to para 127 (f) of the NPPF which states planning policies and decisions should ensure developments create places that have a high standard of amenity for existing and future users.

Residents of nearby Sylvia Close have concerns regarding overlooking from plots 2-3 but no other residents have raised any concerns of this nature.

The Council has an emerging Design Guide which can only be attributed relatively low weight at this time but does give an indication as to what might be acceptable separation distances between habitable rooms. These are as follows:

- Back to Back: min. 21m between habitable rooms of properties or to existing buildings;
- Back/Front to Side: min. 14m between habitable rooms and side gable of adjacent property;
- Front to Front: min. 16m between habitable rooms of properties facing each other;
- Back to Boundary: min. 12m between habitable rooms and site boundary to existing landscaping;

There are several places in the layout where new houses will sit adjacent to existing houses but in all cases the relationship is considered to meet the standards in the emerging Design Guide:

(1) Meadow Sweet, Summer Lane (one and a half storeys) - the flank wall of plot 47 (single storey) is situated 15-17m from the flank of Meadow Sweet and is forward of Meadow Sweet's front.

(2) Dwelling to rear of Meadow Sweet (single storey) - this dwelling is sandwiched between the two parcels of land but its western flank is 19m from the front of plot 57 which is one and a half storeys high and its eastern side is 17.5m from the rear of plot 06. Plot 07 is closer but is 7m to the east of the rear of the existing dwelling and is one and a half storeys high (with the first floor in the roof).

(3) Other houses along Summer Lane (either single or one and a half storeys) - the side of plot 06 is 29m from the rear of the nearest existing dwelling. Plots 04 & 05 are at least 28.5m from the rears of the nearest existing dwellings. Meanwhile the flank of plot 01 is 16.5m from the rear of the nearest dwelling.

(4) Rears of 2-7 Sylvia Close (all two storey) - these have a mixed rear building line but at worst the relationship from the front of plot 01 (single storey) to the rear wall of the nearest dwelling is 23.5m whilst the distance between the fronts of plots 02 & 03 to the rear of the nearest dwelling is between 29.5 and 34m. There will also be planting along this boundary which will provide further mitigation of views. It should also be noted that plots 02 & 03 are one and a half storeys.

(5) Flanks of 4 & 5 Brooks End (two storeys) - plot 36 (one and a half storeys) will be west of the fronts of these two dwellings at a distance of 5-6m but not level with either flank wall. In addition, there will be a substantial landscape buffer of 1.6m width in between which will be in the control of plot 36. This in addition to existing planting here will restrict views from the existing first floor windows into the new gardens. Plot 35 is to be 9.5m to the west of the rear of 5 Brooks End and is one and a half storeys high. The flank of plot 35 will also be 12.5m from the rear conservatory of 7 Brooks End and 17m from its first floor wall.

(6) Anchorage Court (two storey flatted building in adjacent Crayfern Homes development) - plots 32-34 will be around 31.5m from the nearest wall of this building and there will be planting in between.

(7) 24-27 Spinnaker View (two storey house in adjacent Crayfern Homes development) - the flank of plot 29 will be 21m from the rear of the nearest dwelling. Meanwhile, the flank of plot 28 will be 27m from the rear of the nearest dwelling. There will also be some planting in between.

The submitted "Level Strategy Layout" drawing (DSM/E4761/007 Rev G) indicates that in certain places, the new houses are to have a higher level (FFL) than the existing ground level and that this varies across the site:

- The dwelling closest to Meadow Sweet (plot 47) is to be 0.28m higher;
- The dwellings either side of the single storey house to the rear of Meadow Sweet (plots 06-07 & 57) have floor levels 0.24m/0.26m higher;
- The dwellings to the rear of the other houses fronting Summer Lane (plots 04-06) are to be roughly 0.2m higher;
- The dwellings to the rear of Sylvia Close (plots 01-03) are roughly at the same ground level;
- The dwellings to the rear of Brooks End (plots 35-36) are 0.05/0.15m higher;
- The dwellings to the south of Anchorage Court (plots 32-34) are around 0.1m higher; and
- The dwellings to the south of 24-27 Spinnaker View are around 0.3m higher.

It is not considered that these height changes are unacceptable given the interface distances described

above, the orientation of the dwellings in question (with most being flank on) and the proposed new planting to the site boundaries.

All of the relationships between proposed & existing and between the proposed dwellings are acceptable and ensure a high standard of amenity for existing and future users. The scheme accords with ALP policies D DM1, QE SP1, with the emerging Design Guide and with the guidance in the NPPF on amenity.

(C) Parking, Roads and Public Footpaths -

ALP policy T SP1 states in respect of parking that: "The Council will support transport and development which: incorporates appropriate levels of parking in line with West Sussex County Council guidance on parking provision and the forthcoming Arun Design Guide taking into consideration the impact of development upon on-street parking". The policy also states proposals must explain how the development has been designed to:

- (i) accommodate the efficient delivery of goods and supplies;
- (ii) give priority to pedestrian and cycle movements and have access to high quality public transport facilities;
- (iii) create safe and secure layouts for traffic, cyclists and pedestrians whilst avoiding street clutter;
- (iv) incorporate facilities for charging electric and plug-in hybrid vehicles (where charging facilities are to be omitted from the development, evidence of market demand and viability must be provided); and
- (v) consider the needs of people with disabilities by all modes of transport.

ALP policy T DM1 sets out the need to protect and enhance public pedestrian routes including to enable better access by cyclists.

The NPPF considers transport in general and the scheme does consider much of the guidance presented in that the scheme has been assessed by WSCC Highways to ensure there is sufficient space for movement, tracking of larger vehicles and storage of bicycles. WSCC Highways have raised no objections to the proposals.

Refuse is to be stored in bins within gardens and then there are for bin collection points scattered throughout the layout which are for use on days when the bins are to be emptied and are a temporary location in which the bins can be "parked". Of the four collection points, three are screened by tree-planting.

In terms of parking, the requirement according to the Parking Standards SPD is 206 spaces and the proposal is for 208.5 spaces. This provision includes 27 garages but as per the SPD these are treated as half a space each hence the half a space in the total provision. Car parking provision is acceptable. Cycle parking would be resolved later through the condition discharge process.

It is considered the proposal accords with ALP policies T SP1, T DM1 and with the Parking Standards SPD.

(D) Surface Water Drainage -

ALP policy W DM3 (Sustainable Urban Drainage Systems) states: "To increase the levels of water capture and storage and improve water quality, all development must identify opportunities to incorporate a range of Sustainable Urban Drainage Systems (SUDS), appropriate to the size of development, at an early stage of the design process."

The applicant has provided a drainage scheme plus winter groundwater monitoring data and has also supplied a hydrological survey to demonstrate that the existing ditch network is capable of accommodating the flows from the development. However, the submission does not contain detailed drawings of the drainage strategy such that it could be agreed though the reserved matters determination as required by condition 9 of the outlie permission.

Therefore, it is necessary to impose a new drainage condition such that these details can be agreed post decision. However, Council engineers have confirmed that they accept the principle of the surface water drainage scheme (i.e. to connect part of the site into the northern boundary ditch and for that ditch to be redirected across the site via the onsite suds and ultimately reconnecting to the ditch on the southern boundary). Council engineers do request that the applicant undertake some off-site improvements to the ditch system to the west of the application site and these improvements will be covered by the discharge of the new drainage condition and/or condition 10 on the outline (the latter states that written consent is required for the discharge of any flows to watercourses).

On this basis, there is no conflict with the Councils drainage policies.

(E) Internal & External Space Standards -

ALP policy D DM2 states: "The planning authority will require internal spaces to be of an appropriate size to meet the requirements of all occupants and their changing needs. Nationally Described Space Standards will provide guidance". It is therefore necessary to assess the proposal against the internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) to determine if the buildings are suitable for residential use. The applicant has provided a schedule which demonstrates that all of the proposed market and affordable dwellings meet the standards.

Paragraph 127 of the NPPF states: "Planning policies and decisions should ensure that developments: (f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience." There are no policies in the ALP relating to garden sizes, however, the emerging Arun Design Guide sets out standards for garden sizes as follows:

- Private Rear Garden: min. 10.5m depth, 50sqm area for two-bedroom homes and 60sqm area for three or more bedroom homes;
- Private Front Garden: min. 2m depth;
- Balconies: max. 2m beyond the building frontage, subject to minimum balcony to balcony distances of 17m. At least 3sqm of useable space; and
- Communal Shared Spaces for flats: minimum 40sqm plus 10sqm for each unit if not provided as balcony space.

The houses are all have adequate garden spaces but some (2, 3, 7-8, 11-13, 15-17, 20-24, 31, 34-38, 40-42, 45-46, 51-52, 54-58 & 74) would only just meet the standards and so these will have their permitted development rights for extensions and outbuildings removed to conserve garden space.

The scheme provides a good standard of amenity for future occupiers.

(F) Climate Change -

ALP policy ECC SP2 requires residential and commercial development be energy efficient and should incorporate decentralised, renewable and low carbon energy supply systems. It states for major

developments, 10% of the total predicted energy requirements should be produced from renewable/low carbon energy generation on site, unless it is demonstrated this is unviable.

The supporting planning statement submitted with the application sets out the measures to be employed to comply with policy ECC SP2. However, condition 23 on the outline states that:

"Prior to the commencement of any phase of the approved development, a scheme detailing the physical works and a timetable to provide a minimum of at least 10% of the total energy demand from the development comprising renewable or low carbon energy generation on site, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in complete accordance with the approved scheme prior to first occupation of each respective phase, and retained so in perpetuity."

Therefore, these details will be agreed separately through the post decision condition process. SA condition is also to be imposed to require the provision of electric car charge points to meet the standards set out within the Arun Parking Standards SPD. On that basis, the scheme will comply with policy ECC SP2.

SECTION 106 LEGAL AGREEMENT

A Section 106 Agreement was signed in connection with the outline planning permission ref P/58/15/OUT. This has subsequently been varied by a Deed of Variation under ref P/52/19/PO and the whole of these document set out the following provisions:

- (1) 27 Affordable Housing units comprising 25 x 2 bedroom affordable rented houses and 2 x 3 bedroom affordable rented houses;
- (2) 2.57ha area of Public Open Space (POS) including on-site play area provision. This will be subject to a management regime and a mechanism for the transfer of the land to the Council or other such body as directed;
- (3) Contribution of £114,750 to mitigate the potential impacts on Pagham Harbour SPA.
- (4) Contribution of £215,644 for primary education;
- (5) Contribution of £232,083 for secondary education;
- (6) Contribution of £54,369 for 6th form education;
- (7) Contribution of £23,634 for libraries;
- (8) Contribution of £2,144 for fire & rescue;
- (9) Provision of 3 fire hydrants on the site;
- (10) The facilitation of a pedestrian link between the application site and the adjacent Crayfern Homes site; and
- (11) S278 Agreement with WSCC Highways to cover the identified highway improvement works.

In respect of (10), this will be actioned by the Council following approval as the Crayfern Homes development has been built out.

SUMMARY:

This report demonstrates that despite objections from residents, there are no materially harmful concerns with the reserved matters scheme and the application accords with development plan policies. It is recommended that the permission be granted subject to the following additional conditions alongside conditions imposed on P/58/15/OUT.

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

RECOMMENDATION

APPROVE CONDITIONALLY

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

"Location Plan" 1177 PD005 Rev P2;
"Proposed Site Plan - 90 Unit Scheme" 1177 PD100 Rev P10;
"Level Strategy Layout" DSM/E4761/007 Rev G;
"House Type A Plans and Elevations" 1177 PD110 Rev E;
"House Type B Plans and Elevations" 1177 PD112 Rev D;
"House Type C Plans and Elevations" 1177 PD113 Rev C;
"House Type C Plans and Elevations" 1177 PD114 Rev D;
"House Type C Plans and Elevations" 1117 PD115 Rev D;
"House Type C Plans and Elevations" 1177 PD116 Rev E;
"House Type C Plans and Elevations" 1177 PD117 Rev D;
"House Type C Plans and Elevations" 1177 PD118 Rev D;
"House Type D Plans and Elevations" 1177 PD119 Rev C;
"House Type E Plans and Elevations" 1177 PD120 Rev C;
"House Type F Plans and Elevations" 1177 PD121 Rev D;
"House Type G Plans and Elevations" 1177 PD122 Rev D;
"Garages Plans and Elevations" 1177 PD 130 Rev A;
"Materials Schedule" Rev B (11/02/20);
"Boundary Treatment Plan" 1177 PD102 Rev C;
"Site Sections" 1177 PD304 Rev A;
"Western Parcel Street Scenes A, B, C" 1177 PD300 Rev E;
"Western Parcel Street Scenes D, E, F" 1177 PD301 Rev D;

"Eastern Parcel Street Scenes G, H, J" 1177 PD302 Rev C;
 "Eastern Parcel Street Scenes K, L, M, N" 1177 PD303 Rev C;
 "Proposed Lighting Layout" 100046.PRIV.1300.001 Rev P04;
 "Proposed Lighting Layout" 100046.PRIV.1300.1301 Rev P01;
 "Outdoor Lighting Report" 1000090.POS.001 Rev A;
 "Lighting Schedule" 100046.PRIV.1400.P02;
 "Area Lighting Calculation" 100046.PRIV.003.B;
 "Landscape Management and Maintenance" Rev P.2 November 2019;
 "Planting Plan Sheet 1 of 8" M323-301 Rev P5;
 "Planting Plan Sheet 2 of 8" M323-302 Rev P4;
 "Planting Plan Sheet 3 of 8" M323-303 Rev P7;
 "Planting Plan Sheet 4 of 8" M323-304 Rev P5;
 "Planting Plan Sheet 5 of 8" M323-305 Rev P3;
 "Planting Plan Sheet 6 of 8" M323-306 Rev P8;
 "Planting Plan Sheet 7 of 8" M323-307 Rev P6;
 "Planting Plan Sheet 8 of 8" M323-308 Rev P4;
 "Public Open Space Plan" M323-350 Rev P5;
 "Refuse Vehicle Swept Path Analysis" DSM/E4761/002 Rev G;
 "Fire Tender Swept Path Analysis" DSM/E4761/003 Rev G;
 "Highway Layout Review" DSM/E4761/004 Rev G;
 "Proposed New Road Layout" 039.5017.0701 Rev E;
 "Fire Tender and Private Driveway Vehicle Tracking" 039.0017.001 Rev D;
 "Western Access Refuse Tracking 039.0017.002 Rev D;
 "Pumping Station Tanker Tracking 039.0017.003 Rev B;
 "Section 278 Highway Works S278 Agreement Plan" VD16396-ID-DR-S278 Rev E;
 "Section 278 Highway Works Traffic Regulation Order" VD16396-ID-DR-1210 Rev C;
 "Development Phasing" containing Drawing "Construction Phasing Plan & Schedule" 1177 PD007 Rev A;
 "Design & Access Statement" July 2019 Rev E;
 "Travel Plan" July 2019 Rev A;
 "Update Ecological Appraisal and Draft Ecological Mitigation Timetables" July 2018;
 "Technical Note on Proposed Drainage Strategy" ref 196790-01 (03/12/19);
 "Report on Inspection of Watercourse along Northern Boundary" ref DSM/E4761/17564 (02/12/19); and
 "Drainage Strategy & SuDS Statement" ref TRS/E4761/17424 Rev 3 07/11/19.

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

2 Notwithstanding the requirements of condition 19 imposed on P58/15/OUT, all activity at the site is to be carried out in strict accordance with the following documents by Arbor-Call:

"Arboricultural Impact Assessment and Method Statement" (ref: C.MW.19.0612.AIA.AMS, 31/10/19); and
 "Tree Protection Plan ref MW.19.0612.SK01.TPP (Oct 19).

The applicant shall advise the Local Authority once the required protective fencing and ground protection measures are in place to facilitate inspection/s by officers during development of the site and to verify they are 'Fit for Purpose' as required under British Standard 5837:2012 and have been erected and positioned exactly as shown in the above documents.

If there is deemed to be a need for any Utility Service Route connections to bisect retained

tree Root Protection Areas/ Zones, then prior to their installation a Method Statement prepared by an Arboricultural Expert must be submitted that stipulates how this can be achieved without unacceptable adverse impact on tree roots. Written approval and confirmation of acceptance of this Methodology must be issued before any works take place within the root protection zones of the trees identified to be retained.

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

- 3 No development shall take place until technical drawings illustrating the detail of the drainage strategy as agreed in principle, have been submitted to and approved in writing by the local planning authority. No building shall then be occupied until the complete surface water drainage system serving the development has been implemented in accordance with the agreed details. The drainage system shall thereafter be maintained in good working order in perpetuity.

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

- 4 Prior to the occupation of the 45th Open Market dwelling forming part of the approved development, the applicant shall provide details to the Local Planning Authority for approval in writing of a paved and gated access between the Public Open Space to the south of Summer Lane and the adjacent Pagham Village Hall car park to enable access by pedestrians from this alternative access point. The pedestrian access point shall thereafter be provided in accordance with the agreed details and then permanently retained in a condition that is fit for purpose.

Reason: In order to provide pedestrian access to and from the adjacent play area in accordance with Arun Local Plan policy OSR DM1.

- 5 None of the dwellings hereby approved shall be occupied unless and until full details of the pumping station's design, including elevations and floor plans, have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the pumping station shall be constructed in accordance with the agreed details.

Reason: In the interests of visual amenity in accordance with Policies D SP1 and D DM1 of the Arun Local Plan.

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

Reason: New petrol, diesel and hybrid cars/vans will not be sold beyond 2035, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with policy QE DM3 (c) of the Arun Local Plan, the Arun Parking Standards SPD and the National Planning Policy Framework.

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

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

- 8 Proposals for the area identified as a LEAP on drawing M323-350 Rev P5 shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of any of the approved dwellings. This part of the site shall thereafter be implemented in accordance with the agreed details prior to occupation of the 45th Open Market dwelling and permanently retained so thereafter.

Reason: To ensure that the play area is provided or if it is no longer required then the area of land is appropriately landscaped in accordance with policies OSR DM1 and D DM1 of the Arun Local Plan.

- 9 No part of the development shall be occupied unless and until a scheme has been submitted to and approved by, the Local Planning Authority, to show new signage within the Public Open Space to the south of Summer Lane to encourage responsible dog ownership. Thereafter the approved signage shall be provided in accordance with the agreed details and permanently retained.

Reason: To encourage responsible dog ownership and safeguard the usability of the public open space in accordance with policies D DM1 & OSR DM1 of the Arun Local Plan.

- 10 No dwelling shall be first occupied until the car parking spaces and garage spaces serving the respective dwellings have been constructed in accordance with the approved site plan. Once provided the parking spaces shall not be used for any purpose other than for the parking of vehicles and the garages shall not be used for any purpose other than the parking of vehicles and for domestic storage unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: In the interests of ensuring sufficient vehicle parking and highway safety within the development in accordance with policy T SP1 of the Arun Local Plan.

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

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

- 12 Any tree pruning considered essential to enable the agreed development must meet the requirements of BS3998:2010 Tree work - Recommendations:

- Where whole branches are to be removed and final cuts made close to the trunk or branch union they are to be made as shown in Figure 2 of BS3998:2010
- Where branches are to be shortened back the final cuts are to be made at the correct angle shown in BS3998:2010 and adjacent to a live bud or lateral.

Reasons: In the interest of continued health and vitality of trees and to accord with current industry guidelines & sound arboricultural practice and policy ENV DM4 of the Arun Local Plan.

- 13 No construction / demolition activities shall take place, other than between 08:00 to 18:00

hours (Monday to Friday) and 08:00 to 13:00 hours (Saturday) with no works taking place on Sunday or Bank Holidays.

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

- 14 Notwithstanding the provisions of Schedule 2, Part 1 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting this Order) no hardstanding (other than that specified on the approved plans) shall be created on land forward of the principal or side elevations of the dwellings, unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: In the interests of visual amenity in accordance with policies D DM1, D SP1 of the Arun Local Plan.

- 15 Notwithstanding the provisions of Schedule 2, Part 2, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting this Order) no fences, walls, gates or other means of enclosure (other than those specified on the approved plans) shall be erected on land forward of the primary or side elevations of the dwellings, unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: In the interests of visual amenity in accordance with policies D DM1, D SP1 of the Arun Local Plan.

- 16 All bathroom and toilet windows hereby approved shall be glazed with obscured glass and permanently retained thereafter.

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

- 17 No windows (other than those shown on the plans hereby approved) shall be constructed in the first floor flank elevations of any of the dwellings hereby approved without the prior permission of the Local Planning Authority on an application in that behalf.

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

- 18 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting this Order) no front extensions or roof extensions/alterations to any of the dwelling houses shall be constructed unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To safeguard the privacy & amenity of adjoining occupiers and the cohesive appearance of the development in accordance with policies D DM1 and D SP1 of the Arun Local Plan.

- 19 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting this Order) no rear extensions to plots 2, 3, 7-8, 11-13, 15-17, 20-24, 31, 34-38, 40-42, 45-46, 51-52, 54-58 & 74 shall be constructed or buildings shall be erected within the curtilage of the same plots unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To safeguard the amenity of adjoining occupiers, maintain adequate private amenity

space and safeguard the cohesive appearance of the development in accordance with policies D DM1 and D SP1 of the Arun Local Plan.

- 20 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.
- 21 INFORMATIVE: Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 40% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers. Supplementary guidance notes regarding surface water drainage are located here <https://www.arun.gov.uk/surfacewater> on Arun District Councils website. A surface water drainage checklist is available here <https://www.arun.gov.uk/drainagechecklist> on Arun District Councils website, this should be submitted with a Discharge of Conditions Application.
- 22 INFORMATIVE: In the interests of crime prevention and deterrence, the development should incorporate security measures in accordance with the consultation advice of Sussex Police (dated 12/09/19) as available on the Councils website.
- 23 INFORMATIVE: The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received. For further information, please contact the Environmental Health Department on 01903 737555.
- 24 INFORMATIVE: The applicant's attention is drawn to the requirements of the Environmental Protection Act 1990 and the Clean Air Act 1993 with regard to burning on site. A statutory nuisance may be caused by smoke and ash from fires or noise from the cutting or chipping trees. In addition, air quality could be adversely affected on large projects. The granting of this planning permission does not permit a statutory nuisance to be caused. The Environment Agency should also be contacted regarding Exemption Permits to burn on site.
- 25 INFORMATIVE: This planning permission effectively agrees the details required by conditions 6, 12, 15, 18, 20, 24, 25 and 26 of the Outline Planning Permission P/58/15/OUT. However, it does not in any way discharge the Ecological Mitigation & Enhancement Scheme required by Condition 8. It also does not fully approve the surface water drainage scheme required by condition 9.