

PLANNING APPLICATION REPORT**REF NO:** A/131/16/OUT**LOCATION:** Land between New Place Bungalow & /
Angmering
BN16 4ET**PROPOSAL:** Outline planning application with some matters reserved for 9 No. one & a half storey houses with garaging, including 3No. affordable housing units -
This is a Departure from the Development Plan**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	The application seeks outline approval for the construction of 9 no. dwellings (3 no. affordable units). All matters are reserved with the exception of access.
SITE AREA	Approximately 0.7 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	Approximately 12.85 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The boundaries of the site consist of mature planting and trees of various heights and species.
SITE CHARACTERISTICS	The site is currently vacant overgrown land with limited areas of hard-standing.
CHARACTER OF LOCALITY	The character of the locality is rural with the site being situated outside of the built area boundary.

RELEVANT SITE HISTORY

A/154/92/CLE	Certificate of Lawfulness of Existing Use for closed storage for removals business and builders materials, open storage land for removals business, builders materials and turning area, hardstanding for commercial vehicles.	Part Granted 06-07-1993
A/113/66	Outline application for residential development	Refused 27-09-1966
A/95/58	Outline application for 10 bungalows	Refused 21-01-1959
A/29/50	Bungalow for use in connection with agriculture	Approve 17-08-1950

A Certificate of Lawfulness was previously granted under reference A/154/92/CLE for the use of the site as closed storage for removals business and builders materials, open storage land for removals business, builders materials and turning area, hard standing for commercial vehicles on the 6th July 1993.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Angmering Parish Council

The subject site lies outside the built-up area boundary as set out in the Angmering Neighbourhood Plan and as such, the application is not in compliance with Neighbourhood Plan Policy HD1.

1 No. letter of objection:

- Whilst acknowledging the need for suitable local housing, we do not believe that this application proves that no other land is suitable for such development, without building upon land outside the development area.
- The visibility splays indicated from the proposed access onto Arundel Road, will be severely reduced during term times with the regular parking of parents' vehicles along the western side of Arundel Road, north from the school (well into the national speed limit section).
- There appears to be no realistic means of disposing of surface water from the site without substantial underground attenuation or bunkering at the southern end of the proposed development, which presumably reduces the viability of the 9th building at that end of the plot
- Foul water disposal is proposed via connection to the existing local network, some 150 m south. Already some 11 years ago, similar proposals yielded information that the existing properties between the main sewer connection opposite the school and the proposed site, experienced capacity difficulties with drains regularly backing up.

1 No. letter of no objection:

- Arundel Road does not have a 30mph restriction along its whole length
- Entrance to Acorn Caravan Park shown on block plan was closed and relocated to a different, safer point
- 30mph limit should be introduced to whole of Arundel Road and thereby ensure safety of school children

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments from the Parish Council are noted and will be considered further in the conclusion to this report.

In response to the 1 no. letter of objection:

- The principle of the proposed development will be considered in the conclusion to this report.
- The Local Highway Authority have been consulted in relation to this development and they have raised no objection.
- The Council's Engineers have been consulted and the conditions requested included in the recommendation.
- Southern Water have been consulted in relation to the proposed development and no objection has been received.

In response to the 1 no. letter of no objection:

- Comments noted. However County Highways do not object to the proposal on highway safety grounds.

CONSULTATIONS

WSCC Strategic Planning
Environment Agency
Surface Water Drainage Team
Southern Water Planning
Planning and Housing Strategy
Engineers (Drainage)
Engineering Services Manager

CONSULTATION RESPONSES RECEIVED:

SOUTHERN WATER:

Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

We request that should this application receive planning approval, the following informative is attached to the consent:

"A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk".

The applicant is advised to consult the Environment Agency directly regarding the use of a private wastewater treatment works or septic tank drainage which disposes of effluent to subsoil irrigation. The owner of the premises will need to empty and maintain the works or septic tank to ensure its long term effectiveness. Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

Our initial investigations indicate that there are no public surface water sewers in the area to serve this development. Alternative means of draining surface water from this development are required. This should not involve disposal to a public foul sewer.

The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS).

Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SUDS scheme
- Specify a timetable for implementation
- Provide a management and maintenance plan for the lifetime of the development.

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

We request that should this application receive planning approval, the following condition is attached to the consent: "Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water."

Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk".

ENGINEERS (DRAINAGE):

Infiltration to be investigated for surface water drainage.

Please apply standard conditions ENGD2A.

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 BRE 365, 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 30% 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 are also enclosed for information.

Please investigate foul sewerage with Southern Water prior to considering private treatment systems.

WSCC STRATEGIC PLANNING:

Background and Summary

The application seeks Outline planning consent for access only for 9 dwellings. The site currently comprises of an area of vacant land positioned adjacent to Arundel Road in Angmering. The proposals will access Arundel Road, a 'C' class road subject to national speed limit. To the north of the site Arundel Road links to the A27 trunk road, maintained by Highways England (HE).

The LHA may wish to seek the views of the HE on any potential increase in traffic movements from the proposals onto this network. The proposals are supported by way of a Transport Statement (TS) which includes TRICS data and a speed survey. In summary the outline proposals are considered acceptable from the highways perspective, further consideration of the sites layout will be given at a latter Reserved Matters stage.

Access and Visibility

The proposed development is accessed from an existing gated access off Arundel Road; it is proposed that the access is improved as part of the development proposals, which will include a realigned kerb. An ATC survey has been undertaken over a weekly period which has ascertained vehicle flow rate and 85th percentile road speeds along Arundel Road, for ease of reference the recorded speeds were:

Northbound: 43.8 mph

Southbound: 40.3 mph

Visibility splays of 120 metres to the north and south of the access are achievable. These sightlines exceed the requirements set out within Manual for Streets 2 (MfS2) and are in line with the advice of Design Manual for Roads and Bridges (DMRB) given the recorded road speeds. Taking account of local context and traffic flows, the LHA consider that DMRB guidance is appropriate in this instance. As such, this junction is considered to be adequate to accommodate the vehicular movements arising from this proposal.

The LHA have reviewed data supplied to WSCC by Sussex Police over a period of the last 3 years. There have been no recorded injury accidents in the vicinity of the site access onto Arundel Road. There is no evidence to suggest that the road is operating unsafely, or that the proposed would exacerbate an existing safety concern.

In conclusion the principle of the access is acceptable. The improvement works for the access would be subject to a Section 278 Agreement with WSCC's Implementation Team.

Layout

Whilst it is acknowledged that permission for the sites layout is not sought, there are no initial concerns with the indicative layout. The access road should take the form of a 5.0 metre wide shared surface arrangement as stated within the TS. This is considered suitable as this will be a low speed, low traffic environment. MfS2 identifies that shared space is appropriate where vehicles flows are less than 100 per hour, the proposal would meet this criteria. It is assumed that refuse collection will take place from within the site. Swept path diagrams have been provided demonstrating how larger vehicles turning paths within the site. The applicant should liaise with ADC's Waste Collection Team to discuss the suitability of this arrangement from their perspective.

It has not been stated if the access road will be constructed to adoptable standards; this would be achieved under a Section 38 Agreement. This however can be confirmed at a later stage if this is to be the case.

Parking provision must meet the requirements of the WSCC PDC (Parking Demand Calculator) evidence should be provided demonstrating in the form of print outs from the PDC that the allocations are in line with the recommendations of the PDC.

Trip Generation and Capacity

The TS provided in support of this application does estimate potential vehicular trip generation arising from this proposal. It suggests that there will be 6 two way movements in the morning and evening peak hours, with 44 two-way vehicle trips. The LHA acknowledges that the TRICS outputs are based upon sites considered to be comparable in terms of planning use class and location to that proposed, in accordance with TRICS Best Practice Guidance. As such the trip rate generated provides a realistic indication of likely trip generation from the new dwellings. This proposal would not trigger the 30 vehicle movement threshold to warrant formal junction assessments.

It is recognised that this proposal would give rise to a more intensive use of Arundel Road; however, this proposal is not anticipated to result in a severe cumulative impact on the operation of the local network in accordance with paragraph 32 of the National Planning Policy Framework

Sustainability and Accessibility

The TS considers the accessibility of the site by walking, cycling, and passenger transport. There is a footway connecting to the north and south of the sites access. To the south of the site the LHA accept that traffic conditions within the village are conducive for walking and cycling. There is however a very limited range of services and facilities within Angmering village itself that could be reached by these modes. Notably, the only facility that could be used to meet some day to day needs is the village store/post office in the village which is approximately 1 km away from the site. This would not though meet all needs and travel to a larger retail store would be necessary. There are otherwise no notable employment, retail or health provisions within the village or the surrounds that could reasonably be reached on foot. In terms of bus stops there are stops located along Arundel Road to the south of the access. These are served by an hourly service which link to Worthing and Shoreham. Angmering railway station is location further south of the site; this is linked to by bus services. Services from Angmering link to Worthing, Brighton and London Victoria.

There is no dedicated cycle infrastructure or off road cycle routes located in Angmering. The low speed traffic conditions may facilitate cycle movements within the village; however the narrow carriageways and potential of vehicle/cyclist conflict may make some routes unattractive. Journeys to wider services and employment centres of Worthing and Littlehampton would be mainly along the A259 and are not conducive to safe cycling due to higher speed limits and road layout.

The National Planning Policy Framework (NPPF) states that plans and decisions should take account of whether the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site. In this respect, the site is located within a reasonable walking distance of the village store and passenger transport infrastructure. Paragraph 29 of the NPPF also states that the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. Whilst paragraph 29 goes on to say that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas, residents of the proposed development would inevitably still be reliant upon the use of the private car for the significant majority of daily trips, however it is recognised that this is a small scale development intended to be provide for local housing needs.

The previous 3 years personal injury accident data has been checked and this indicates no accidents have been recorded that involve pedestrians or cyclists within the immediate vicinity of the site and Angmering village. There is no evidence to suggest that the existing arrangements for pedestrians are inadequate or result in safety issues.

Construction

Matters relating to access during the construction of the proposal would need to be agreed prior to any works commencing. Vehicular access to the site is possible only from Arundel Road. A comprehensive construction management plan would be sought through condition should permission be granted. The construction management plan should amongst other things set out how deliveries are to be managed along Arundel Road in light of the carriageway width and presence of other vulnerable road users. Given the construction of Arundel Road, the applicant would be required to enter into a Section 59 agreement under the 1980 Highways Act. Such an agreement would enable the LHA to recover from the developer the cost of repairing any damage

that occurs to the highway as a consequence of the development. The developer should seek early engagement with the WSCC Asset Management team to prepare the s59 agreement should permission be granted.

Conclusion

The LHA does not consider that the proposed would have 'severe' residual impact on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (para 32), and that there are no transport grounds to resist the proposal.

In the event that planning consent is granted, the following conditions are recommended,

Access

No part of the development shall be first occupied until such time as the vehicular access has been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of road safety

Construction Management Plan

No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved 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,
- 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 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),
- measures to control the emission of dust and dirt during demolition and construction, lighting for construction and security,
- details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area.

Visibility

No part of the development shall be first occupied until visibility splays of 2.4 by 120 metres have been provided at the proposed site vehicular access onto Arundel Road in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety.

INFORMATIVES

S278 Works

The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The

Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

Section 59 of the 1980 Highways Act - Extra-ordinary Traffic

The applicant is advised to enter into a Section 59 Agreement under the 1980 Highways Act, to cover the increase in extraordinary traffic that would result from construction vehicles and to enable the recovery of costs of any potential damage that may result to the public highway as a direct consequence of the construction traffic. The Applicant is advised to contact the Highway Officer (01243 642105) in order to commence this process.

HOUSING STRATEGY:

The Council has a preference for 1 and 2 bed dwellings for rented affordable housing for intermediate housing 2 and 3 bed dwellings are preferred. I have no objection to this application.

ENVIRONMENTAL HEALTH:

A noise report was submitted to the Local Planning Authority on the 10th October 2016 with the typo in Section 8, Sentence 4 being amended by confirmation of the agent on the 11th October 2016 to read;

"Noise levels in the gardens of the houses will also be relatively low as they are below the WHO low limit value of 50dBA."

Environmental Health on the basis of this correction have raised no objections to this application on noise grounds.

The site appears a low risk from a contamination perspective, therefore please apply ENV 5 only

ENV 5 Unsuspected contamination

Environmental Health position

We consider that planning permission should only be granted to the proposed development as submitted if the following planning condition is imposed as set out below. Without this condition, the proposed development on this site poses an unacceptable risk to the environment and we would wish to object to the application.

Condition: If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason

To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with policy DEV1 of the West Sussex Structure Plan and policies GEN7 and GEN31 of the Arun District Local Plan

ECOLOGY

Comments awaited and will be provided as a report update.

GREENSPACE

Comments awaited and will be provided as a report update.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and requested conditions included in recommendation.

POLICY CONTEXT

Designation applicable to site:

Outside built area boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN3	Protection of the Countryside
	GEN2	Built-up Area Boundary
	GEN32	Noise Pollution
	GEN9	Foul and Surface Water Drainage
	GEN7	The Form of New Development
	GEN33	Light Pollution

Publication Version of the Local Plan (October 2014):	C SP1 Countryside
	D DM1 Aspects of Form and Design Quality
	D DM2 Internal Space Standards
	D DM3 External Space Standards
	D SP1 Design

Angmering Neighbourhood Plan 2014 POLICY HD1	Built-up Area Boundary
Angmering Neighbourhood Plan 2014 POLICY HD3	Housing Mix
Angmering Neighbourhood Plan 2014 POLICY HD7	Housing Density

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of

the Local Plan a formal public consultation, examination and adoption process takes place.

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 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. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. 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).

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

The Angmering Neighbourhood Plan has been made and policies HD1, HD3 and HD7 are considered relevant to the determination of this application.

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 site is outside of the built up area. Due to the location of the site it is not considered to accord with policy GEN3 of the Local Plan and HD1 of the Angmering Neighbourhood Plan.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

INTRODUCTION

The application is a reserved matters application for the construction of 9 no. dwellings (3 no. affordable units). The application relates solely to the proposed access with all other matters being reserved to a further application if this application is approved.

PRINCIPLE

The site is outside of the built up area of Angmering in a location that is not allocated for housing. In the Publication Version of the Local Plan (2014), policy H SP1 establishes strategic housing, parish and town allocations - this site is not identified.

However, it must be considered that the Local Planning Authority are unable to demonstrate an

adequate 5 year supply of housing land as required by paragraph 49 of the NPPF. Furthermore, the Examination into the emerging Local Plan was suspended by the Planning Inspector on the grounds that the Council's Objectively Assessed Housing Need (OAN) should be reviewed higher than that proposed in the Local Plan (580 units p.a). The Council will therefore need to identify more suitable land supply to meet additional housing requirements. The OAN figure has now been increased to 919 units per annum as of October 2016. Additional strategic sites are currently being assessed and allocated in order to meet this higher figure.

The NPPG has provided clear guidance on the issue of the weight that can be given to both the adopted local plan and emerging or made Neighbourhood Plans where the District Council cannot demonstrate the 5 year supply of deliverable housing sites. Therefore the adopted development plan policies relating to housing supply are out of date and the emerging Local Plan policies carry limited weight at this time. The relevant policies in relation to development outside of the built area boundary within the Angmering Neighbourhood Plan can also not be considered up to date as they do not reflect the Council's updated OAN.

Where the development plan is absent, silent or the relevant policies are out of date, paragraph 14 of the NPPF states that the presumption in favour of sustainable development requires the granting of planning permission, 'unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits'. Furthermore, paragraph 49 states that:

"Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites"

The Secretary of State decision in relation to Land to the South of Ford Lane, East of North End Road, should be noted (APP/C3810/A/14/2228260). In the decision, the Secretary of State disagreed with the appeal Inspector's conclusions that the appeal be allowed and planning permission be granted. The proposal was for 100 dwellings on land outside the built up area boundary in the made Yapton NP. The decision appears to run contrary to the advice in the NPPF and NPPG referenced above; that the housing policies of a NP should not be considered up to date where there is no demonstrable 5 year housing land supply. ADC are seeking legal advice on the implications of this decision for similar sites outside the built up area boundary of made Neighbourhood Plan - It is hoped an update will be available at the meeting to inform members of the outcome of this legal advice.

However, it is considered that the Angmering Neighbourhood Plan does not make the same provision in the wording of Policy HD1 as is made in Policy H1 of the Yapton Neighbourhood Plan. Policy H1 states that "additional allocations will be made if the emerging Arun Local Plan requires such action or if the identified housing sites do not proceed". The Secretary of State identified this flexibility in policy H1 of the Yapton Neighbourhood Plan as allowing any shortfall in housing supply to be met - as such significant weight was given to the housing policies of the Yapton Neighbourhood Plan. It must therefore be noted that no such provision is made in policy HD1 of the Angmering Neighbourhood Plan with Policy HD1 stating "the Neighbourhood Plan allocates sufficient land to deliver at least the minimum housing requirement in the emerging Arun Local Plan..."

Given that the emerging Local Plan Examination was suspended by the Planning Inspector on the grounds that the Council's OAN should be reviewed higher than that proposed, it is considered that Policy HD1 of the Angmering Neighbourhood Plan cannot be considered up to date and as such can only be attributed minimal weight in the determination of this application.

CHARACTER & APPEARANCE

The proposed development falls outside of the built area boundary and as such it is necessary to assess if the proposed development would have a significant and demonstrable impact upon the character of the locality.

The application site is situated to the west of Arundel Road and is screened on the eastern boundary by a row of trees and as such the proposed development will have limited presence within the street scene when viewed from Arundel Road. It must also be considered that residential development is already present to the west of Arundel Road to the south of the application site.

The land immediately to the west of the application site (New Place Nursery) benefits from planning permission for the dismantling of vehicles and storage of vehicles and parts and to the south-west planning permission has been granted for the outdoor storage of caravans. This could be a possible source of noise disturbance to potential occupiers which has been considered further later in this report.

Examples of residential development are present in close proximity to the application site with New Place Bungalow to the west; 60m to the south of the site is linear residential development (adjacent to Arundel Road) which falls within the built-up area boundary; and approximately 60m to the north of the site is a two storey detached dwelling (Wilmington).

As such, it is acknowledged that whilst the site falls outside of the built area boundary it makes a limited contribution to the visual amenity or character of this rural locality.

Therefore, it is considered that the proposed residential use of the site (subject to appropriate design and layout) would not result in unacceptable harm to the character of the locality and is deemed to accord with the limitations of GEN7(ii) of the Arun District Local Plan.

SUSTAINABLE LOCATION

The planning statement accompanying the application does provide detail in relation to the sustainable location of the site. This includes analysis in relation to the accessibility of the site and identifies distances to key local facilities. These are identified as being;

- Recreation Ground, off Decoy Drive - <200 metres
- St Margaret's C of E Primary School and Nursery, Arundel Road - <200 metres
- St Wilfrid's Catholic Primary School, Arundel Road - <750 metres
- Play Area, Rectory Lane - 850 metres
- St Margaret's Church - <950 metres
- Village centre (Retail uses, public house, employment opportunities) - circa 1km
- Angmering Medical Centre, Station Road - <1.2km
- The Angmering School (Secondary & Sixth Form), Station Road - circa 2km
- Angmering Railway Station - circa 2.5km

The accessibility and sustainability of the site is considered to be enhanced through the presence of an existing footway running along the eastern boundary of the site adjacent to Arundel Road.

In terms of access to public transport the closest bus stop is situated approximately 450m to the south of the site on Arundel Road. Whilst, 400m is identified as the desirable maximum (equating to approximately 5minutes of walking time) this additional 50m is not considered to severely or demonstrably outweigh the benefits of the proposal.

Therefore, it is considered that there would be a choice as to the means of transport, either by foot,

cycle, or public transport and as such it is considered that a refusal on sustainability of location cannot be supported.

NPPF TEST ON SUSTAINABILITY

Paragraph 7 of the NPPF sets out the three dimensions to sustainable development - the economic, social and environmental roles. It is considered that the proposals meet this definition in that new housing will (1) increase Council Tax receipts; (2) provide for jobs during the construction stage; (3) support the local community by providing housing to meet future needs; and (4) as demonstrated elsewhere in this report, not have an adverse effect on protected wildlife species

RESIDENTIAL AMENITY

As this application seeks outline approval with all matters reserved except for access it has not been necessary to consider the proposals in accordance with the Nationally Described Space Standards or policy D DM3 of the emerging Local Plan. These matters will be considered further in the reserved matters application. If outline approval is granted.

Having considered the indicative site plan it is considered that the proposed scheme would be unlikely to result in any unacceptably adverse impacts upon the residential amenity of neighbours or future occupiers of the site.

The close proximity of the vehicle dismantling and storage use to the west as well as the impact of vehicular movements on nearby roads have been the subject of an 'Environmental Noise Assessment'. This assessment has identified that the "noise levels affecting the site are relatively low and with windows open internal noise levels achieve the WHO/BS8233 internal noise criteria" and that "Noise levels in the gardens of the houses will also be relatively low as they are below the WHO low limit value of 50dBA".

An error has been identified in the Noise Assessment (J2132) in Section 8, Sentence 4. But it has been confirmed by the agent (in an email dated 11th October 2016) that this was a typographical error and that the sentence should read "Noise levels in the gardens of the houses will also be relatively low as they are below the WHO low limit value of 50dBA."

On this basis Environmental Health have raised no objections in relation to noise impacts associated with the development. Therefore, the proposal is deemed to accord with policy GEN7(iv) of the Arun District Local Plan.

AFFORDABLE HOUSING

The proposed development makes the provision of 3 No. affordable units which exceeds the requirements of Emerging Plan Policy SP9. However, it must be considered that there is no legal requirement to provide affordable housing on developments of 10 units or less - therefore, the proposed affordable housing provision if delivered is considered to further enhance the sustainability (social) of the scheme in accordance with Paragraph 7 of the National Planning Policy Framework.

ACCESS

The proposed access, the one element that is not reserved by this outline application, will be located in the north-eastern corner of the site to the west of Arundel Road. This is an existing access from Arundel Road and has been the subject of consultation with the Local Highways Authority (LHA).

The LHA has raised no objection in relation to the proposed means of access identifying that the proposed visibility splays (120m) to the north and south of the access which exceed the

requirements set out in 'Manual for Streets 2' and are in accordance with the advice of 'Design Manual for Roads and Bridges' given the recorded road speeds.

The LHA in their consultation response state that the principle of the access is acceptable but that the improvement works for the access would be subject to a Section 278 Agreement with WSCC's Implementation Team. Therefore, the proposed access is considered acceptable in accordance with Paragraph 32 of the National Planning Policy Framework.

ECOLOGY

Comments are awaited and this section of the report will be updated to reflect these comments.

Evidence has been provided with this application of a 'Phase 1 Habitat and Ecological Assessment' and a 'Phase 2 bat and reptile survey' having been undertaken at the site. This has identified a number of key considerations in relation to the impact of the proposal upon has identified that the proposal has the potential to impact upon reptiles and bats. No evidence of bats roosting on the site was identified but the Ecology report make a number of mitigation recommendations - these are the subject of condition.

SUMMARY

The proposed development based upon the details submitted is not considered to result in any adverse impacts which significantly or demonstrable outweigh the benefits of the proposed scheme. Therefore, the proposal is considered to accord with relevant development plan policy and is recommended for approval subject to the below conditions.

SECTION 106 DETAILS

A legal agreement is being prepared in relation to the provision of 3 no. affordable housing units at the site although this is not a requirement for development of 10 units or less. This Section 106 legal agreement will also require a contribution towards the off-site provision of public open space/play facilities.

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 for 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 no impacts have been identified upon any protected characteristics.

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 either before the expiration of 5 years from the date of this permission, or before expiration of 2 years from the date of 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 approved shall be carried out in accordance with the following approved plans Location 1356/PL.01, Opportunities and Constraints 1536/PL.02, Proposed site access and visibility splays 17253-05 and swept path 17253-06.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

- 4 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 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 until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason : To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan. It is considered necessary for this to be a pre-commencement condition because it would not be possible to implement a surface drainage scheme once development had commenced.

- 5 If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation

strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with Arun District Plan policy GEN7.

- 6 Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan.

- 7 No part of the development shall be first occupied until such time as the vehicular access has been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of road safety

- 8 No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved 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,
- 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 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),
- measures to control the emission of dust and dirt during demolition and construction,
- lighting for construction and security,
- 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 Arun District Local Plan policy GEN7 and the National Planning Policy Framework. It is considered necessary for this to be a pre-commencement condition because the purpose of the condition is to mitigate the impact of construction.

- 9 No part of the development shall be first occupied until visibility splays of 2.4 by 120 metres have been provided at the proposed site vehicular access onto Arundel Road in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety.

- 10 No development including site access, demolition or associated construction activities, shall take place on the site unless and until a hedge/tree retention & protection scheme in accordance with BS 5837:20012 "Trees in relation to construction" has submitted to and

approved by the Local Planning Authority. The hedge/tree retention & protection scheme so approved shall be implemented for all retained trees including trees whose root protection areas fall within the construction zone from neighbouring land.

Reason: To ensure the retention and maintenance of trees and vegetation which are an important feature of the area in accordance with policy GEN7 of the Arun District Local Plan. It is considered necessary for this to be a pre-commencement condition because otherwise trees might be harmed during the construction process.

- 11 No development including site access, demolition or associated construction activities, shall take place on the site unless and until 'A Mitigation Statement' that details all of the protection measures for reptiles and other wildlife on the site at Arundel Road has been submitted to and approved by the Local Planning Authority.

Reason: In accordance with Arun District Local Plan policy GEN29 and the National Planning Policy Framework. It is considered necessary for this to be a pre-commencement condition to prevent damage/harm to the ecology of the site.

- 12 No lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The scheme should also minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

Reason: In the interests of the amenities of the area, the site biodiversity (particularly in respect of bats) and to minimise unnecessary light spillage outside the development site in accordance with Policies GEN7, GEN29 & GEN33 of the Arun District Local Plan.

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

- 14 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk

- 15 INFORMATIVE: The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

- 16 INFORMATIVE: The applicant is advised to enter into a Section 59 Agreement under the 1980 Highways Act, to cover the increase in extraordinary traffic that would result from construction vehicles and to enable the recovery of costs of any potential damage that may result to the public highway as a direct consequence of the construction traffic. The Applicant is advised to contact the

Highway Officer (01243 642105) in order to commence this process.

- 17 INFORMATIVE: This decision has not been granted in conjunction with a Section 106 legal agreement relating to affordable housing.

A/131/16/OUT Indicative Location Plan
(Do not Scale or Copy)

(All plans face north unless otherwise indicated with a north point)



Based on the Ordnance Survey mapping with permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Arun District Council 100018487.2015