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## Appeal Decision

Inquiry opened on 4 July 2022 and closed on 7 July 2022

Site visits made on 3, 6 and 7 July 2022

**by Martin Whitehead LLB BSc(Hons) CEng MICE**

an Inspector appointed by the Secretary of State

**Decision date: 26 July 2022**

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**Appeal Ref: APP/C3810/W/22/3295115**

**Land south of Littlehampton Road and east of Worthing Road, Angmering, West Sussex, BN12 6PN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Redrow Homes Limited against the decision of Arun District Council.
  - The application Ref A/168/21/PL, dated 28 July 2021, was refused by notice dated 16 November 2021.
  - The development proposed is erection of 76 No dwellings, means of access, public open space, play areas, associated infrastructure & landscaping.
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### Decision

1. The appeal is allowed and planning permission is granted for erection of 76 No dwellings, means of access, public open space, play areas, associated infrastructure & landscaping on land south of Littlehampton Road and east of Worthing Road, Angmering, West Sussex, BN12 6PN in accordance with the terms of the application Ref A/168/21/PL, dated 28 July 2021, subject to the conditions in the attached schedule.

### Preliminary and Procedural Matters

2. Following the application, the appellant has produced plans showing minor amendments to the appeal proposal relating to the proposed access and landscape buffers. At the Inquiry, the Council confirmed that it has accepted that appropriate consultation has been carried out and it is satisfied that the proposal can be considered based on the amended plans. Applying the Wheatcroft Principles, I consider that acceptance of the proposed amendments would not unfairly prejudice the position of any interested parties. As such, I have determined the appeal based on the amended plans and details.
3. The Inquiry opened on 4 July and closed on 7 July, sitting for 4 days. I carried out site visits, including on Highdown Hill in the South Downs National Park (SDNP) on 3 July, the level crossing in East Preston at about 1730 hours on 6 July, and to view recent development in the area on 3 and 7 July. At my site visit on 7 July, I was accompanied by representatives from the Council and appellant. The other site visits I carried out unaccompanied.

### Main Issues

4. The Council has confirmed that reasons for refusal 4, regarding surface water drainage details, and 7, regarding highway safety concerns at the access, have

been overcome by the submission of further information following the refusal of planning permission. Based on this, I am satisfied these reasons for refusal have been addressed and that drainage and highway safety matters are no longer main issues. Accordingly, the main issues are whether the proposal would be an acceptable development in the countryside, having regard to its effect on the character and appearance of the surrounding area, its effect on the East Preston to Ferring Settlement Gap, its effect on the setting of the SDNP and its design; and its effect on the provision of agricultural land in the District.

### **Reasons**

5. The appeal site is part of an open arable field which, at the time of my site visit, had wheat growing in it. It is bounded to the north by mature conifer trees and a hedgerow along the A259 Littlehampton Road, the east by the remainder of the field, the south by the West Coastway Railway Line and the west by residential development in East Preston. The site is currently accessed from a single access track off the roundabout junction of Old Worthing Road with the A259 Littlehampton Road at its north-western corner, which also serves commercial units to the east.
6. The Council's current assessment of 5-year housing land supply (HLS) is set out in its Annual Monitoring Report (AMR), dated January 2022, and has a base date of 1 April 2021. This represents the most up-to-date assessment undertaken by the Council. Accordingly, I have taken the five-year period for HLS for this appeal as being 1 April 2021 to 31 March 2026. The January 2022 AMR concludes that the Council has a total requirement of 11,028 homes within the 5-year period, but a total supply of 5,339 homes. Accordingly, it can only demonstrate a 2.42-year HLS. This is an agreed position for this appeal.
7. The Development Plan for the area of the site includes Arun Local Plan 2011-2031 (ALP) and Angmering Neighbourhood Plan 2014-2029 (ANP). ALP Policy C SP1 is one of the policies which is most important for determining the appeal. It defines land that is outside the Built-Up Area Boundaries (BUABs) identified in ALP Policy SD SP2 as being shown on the Policies Maps as countryside. It is consistent with the approach in the National Planning Policy Framework (Framework) in that it recognises and seeks to protect the intrinsic character and beauty of the countryside.

### ***Whether acceptable development***

8. The appeal site lies outside the BUAB shown on the ALP Policies Maps and outside an area within which development should be focused as described in Policy HD1 of the ANP. The site is defined as being located in the countryside under the provisions of ALP Policy C SP1, where development will only be permitted for a defined list of countryside uses to prevent encroachment into open countryside. The proposal does not accord with any of these exceptions.
9. The Council's Housing and Economic Land Availability Assessment (HELAA) Summary Table for the appeal site, published in January 2022, indicates that it is not currently developable as a residential site. The constraints that it gives are the Strategic Gap and ground water flood risk. It does suggest that there might be scope for a more sensitive configuration in terms of design and layout of any proposed development. It also states that the site is available and

achievable, but the constraints would need to be fully addressed to make it suitable for delivery.

10. The site is about 2 km from the centre of Angmering and 1.5 km from the centre of East Preston, but it does have access to cycleways and footpaths and bus services from an adjacent bus stop on the westbound side of the A259 and another on the opposite side of the dual carriageway. At my site visits, I observed that an ASDA food store to the east is within walking distance and there is a public house and a local parade of shops/restaurants nearby. Based on this, I agree with the Council that the site is in a sustainable location.
11. The appellant has suggested that it has relied upon pre-application advice from Council officers in 2020 and 2021 that indicate that the proposal would be acceptable in principle and considered the proposal could result in a limited, acceptable impact to character and appearance. Whilst I accept that any views or opinions expressed were given without prejudice to the consideration by the Council of any formal planning application, the very detailed and supportive response given by the Council's officers carries some weight as a material consideration in my determination of this appeal.
12. The Council has acknowledged that the local housing shortfall will only be rectified if approval is given for sites not originally envisaged for residential development in the ALP, the review of which has only just been agreed to be restarted at the Council's Planning Committee, held on 7 June 2022. This has necessitated building on greenfield sites, as recognised in the Council's Interim Housing Statement, which was introduced to attempt to remedy the shortfall.
13. For the reasons given above, I find that the appeal site is acceptable in principle for residential development. However, the proposal would fail to accord with ALP Policy C SP1 and ANP Policy HD1, as it would be located in the countryside, outside the defined BUAB, where new development is strictly controlled, and it would not be one of the listed exceptions to this strict control.

#### *Character and Appearance*

14. The appeal site and its local setting are within National Character Area 126 South Coast Plain (NCA 126). In the published West Sussex County Landscape Assessment, it is identified within the 'Littlehampton and Worthing Fringe Area SC11' Local Landscape Character Area (LLCA). I consider that the key characteristics and general description of this LLCA are representative of the wider valley setting of the coastal plain and the local setting of the appeal site. Key landscape and visual sensitivities are given as urban development pressures especially in the gaps between settlements; closing of open views between settlements; new field divisions; and loss of tree and hedgerow cover.
15. The Council has referred to the Arun Landscape Study, which is a Landscape Character Assessment that was carried out on its behalf. The site falls within LCA 42 (Angmering coastal plain), which extends from the railway line to the north of the A259 and to the west between East Preston and Angmering. It concludes that LCA 42 has a low/medium capacity for development.
16. The appellant considers that the appeal proposal would inevitably change the character of the site because of developing in a greenfield location but that the character of the open countryside beyond the site would remain unchanged. The proposal would result in the removal of about 30m of the established green

corridor along the northern boundary of the site to facilitate a new access slip road and acceleration lane. The appellant has accepted that this would include the loss of 7 trees and part of the hedgerow. However, the revised proposal would no longer require the removal of any trees at the roundabout access, and it would minimise the loss of hedgerows.

17. The Council has not undertaken a landscape assessment to quantify the landscape harm. The appellant's Landscape and Visual Impact Assessment (LVIA) indicates that, with the incorporation of appropriate mitigation measures and a positive design response, the site would visually blend into the surrounding residential landscape. I accept that the key characteristics that define the local landscape character beyond the site would remain physically unaffected.
18. I agree with the Council and the findings of the LVIA that the appeal site has a medium value and a medium susceptibility, resulting in an overall medium sensitivity to change, taking account of the site's location adjacent to the settlement edge of East Preston, and between the A259 and a railway. The LVIA concludes that the development would result in a major adverse effect on the landscape character but that this change to the character of the landscape would be very localised and limited to the site and its immediate environment.
19. I accept that there would be significant harm to the landscape as a result of the permanent loss of the open rural character of the site. However, in terms of tree loss, the landscape masterplan shows that the revised proposal would deliver a 'net gain' of additional native and ornamental hedges and trees within the landscape areas, landscape corridors and areas of public open space. It would include new hedgerow planting along the southern boundary of the site to try to soften the appearance of the proposed 3.2m high acoustic fence; and a 10m wide planting belt of small trees below taller canopy trees outside the eastern boundary. As such, many of the landscape elements that contribute to defining the character of the site, including the trees, shrubbery and hedgerows, would be strengthened in the medium and longer term under the revised proposal.
20. Taking account of the above, I find that the magnitude of change to the landscape character of the site and the immediate surrounding area would be medium, as suggested by the appellant's expert witness at the Inquiry. This is because there would be benefits to some landscape elements, including additional hedgerows and trees, increased public access to open space and the addition of two natural surface water attenuation areas. Against these benefits would be the significant adverse effect of the loss of arable land and the minor adverse effect on the topography of the site. The result of combining medium sensitivity and magnitude of change is a moderate adverse effect on landscape character. Whilst I acknowledge that by year 15 the built development would integrate better into the landscape due to increased level of vegetation, I do not accept that it would be to such an extent as to reduce its impact to minor.
21. At my site visits I observed the site and surrounding area from viewpoints identified in the LVIA's at publicly accessible locations, including the public highway, public rights of way (PRoWs), and public access land. The main views of the site are from the A259 from passing road users, and from the PRoWs which lie about 150m to the east of the site and about 400m to the south of the site. The requirement for the new access and visibility splays would open

- up views from the north due to the removal of trees over about a 30m frontage along the A259.
22. In most of the views the proposed development would be visually well contained due to the existing and proposed tree cover and existing residential areas to the west. The visual effect would be limited to mainly the local area and the edge of East Preston. Whilst there are single storey properties in Saxon Close, which are screened behind vegetation with only the roofs visible, there are also 2 storey properties to the north that abut the site and these are more prominent, having limited planting on their eastern and southern boundaries.
  23. I observed that views of the site from the PRoW heading south from the SDNP towards the A259 are limited due to tree and hedgerow planting on either side of the A259. Views from the verge and footway on the opposite side of the A259 to the site include houses within East Preston on the south side of the A259 near to the roundabout and views into the site along the existing access from the roundabout. There are also views into the site through gaps in the tree and hedgerow that line the south side of the A259. Whilst the views of the arable crop would be replaced by buildings, which would be clearly visible along the entrances to the site from the A259, new additional planting and the distance that the buildings would be set back from the road would help to reduce their impact in these views.
  24. Further to the east along the A259, views from the entrance to Roundstone Business Park and along the PRoW heading south include buildings on the eastern edge of East Preston and on the north side of the A259 at Ferring, as well as the ASDA superstore on the edge of Ferring to the east. Whilst the extent of the arable field that would remain between the PRoW and the built-up edge of East Preston would be reduced under the proposal, a noticeable area would remain and the proposed dwellings along the new boundary would be screened behind the proposed 10m wide planted buffer.
  25. Views from where the PRoW crosses the railway to the east of the site include hedgerow planting and the commercial buildings at the Roundstone Business Park. Whilst the proposed buildings would be visible in these views, they would be set behind these more prominent features and against a backdrop of much higher tree planting along the A259. Further to the southeast the topography prevents views of the site as the land falls towards the Rife on the edge of Ferring.
  26. To the southeast of the site, there are views of both the edge of Ferring and East Preston from the PRoW. However, the appeal proposal would not significantly alter the perceived separation distance, as it would be seen in the distance as a band of built development on the horizon with existing development at East Preston behind and to the west.
  27. The full extent of the proposed development would probably be most noticeable in views from the PRoW directly south of the appeal site. In these views it would appear as an extension to the existing 2 storey development to the northwest at the edge of East Preston. Whilst it would be closer to the PRoW than the existing development, it would be separated from views by a large arable field, and the railway and planting that would be provided to the north of the railway. The main inter-visibility between Ferring and East Preston that is available from the viewpoints is from where the PRoW joins the edge of East

Preston to the southwest of the appeal site. I did not observe any inter visibility between these settlements from the appeal site itself.

28. Having viewed the appeal site from most of the relevant viewpoints included in the LVIA, I have been made aware that the site appears open and is visible from some of the publicly accessible areas around it. However, I am satisfied that, with the mitigation from planting along the boundaries and within the site itself, the development would be low enough and generally set far enough away from these public vantage points to not appear unduly prominent or intrusive, when viewed against the existing development in East Preston.

### *Settlement Gap*

29. The site is within an area designated as a Gap Between Settlements in ALP Policy SD SP3, being located in the East Preston to Ferring Gap. When travelling along the A259, there is a distinct sense of leaving East Preston at the northwest corner of the appeal site and the roundabout. This is where it is apparent that there is a break in the development with views through the trees that line the A259 and in open views at the access track to Roundstone Business Park. The proposal would introduce built form into part of this open gap, with access roads, car parking, street lighting and general activity. There would also be a loss of trees and hedgerow at the access to the development, which would open up views into the site, particularly to users of the A259.
30. ALP Policy SD SP3 generally seeks to protect the open and undeveloped nature of the gaps to prevent coalescence and retain the separate identities. I accept that the settlements of East Preston and Ferring currently have separate identities, with East Preston comprising a series of modern residential neighbourhoods and the north-eastern part a mix of residential properties which include detached and semi-detached between one and two storeys in height. Ferring's western boundary is defined by the Rife, which has vegetation along it, and the settlement includes mobile homes as well as larger residential blocks and the prominent ASDA superstore. I am satisfied that these separate identities would be retained by the proposal, which would clearly relate to East Preston rather than Ferring.
31. The Policy does permit development in the gaps if it meets listed criteria. With regard to criterion a, the physical separation of East Preston and Ferring would be reduced by about 200m, leaving about 500m between the east boundary of the site and the nearest built-up edge of Ferring. The current boundary of East Preston steps to the east and ends at the roundabout on the A259 to the north of the site. The appeal proposal would increase the extent of the step along the south side of the A259 but would leave a significant physical separation distance between the settlements.
32. Having viewed the site from most of the accessible public areas around it, I am satisfied that the proposed development would appear as a natural extension to the existing residential area of East Preston. Even though the proposed layout would include a relatively wide area of planting and open space between the new dwellings and existing dwellings in East Preston, I find that there would be a visual connection between the existing residential area and the site.
33. From most locations, the proposed development would be seen in the context of the existing urban edge of East Preston and appear as part of the settlement. There does not appear to me to be any inter visibility between the

- two settlements from the appeal site and the proposal would not affect this. It would be visible from public vantage points to the south as an extension to the built-up area of East Preston, but a significant area of open fields and the commercial buildings at Roundstone would separate the two settlements in these views. Based on this, I am satisfied that the proposal would not undermine the physical or visual separation of the settlements.
34. In terms of criterion b, I find that the integrity of the gap would not be compromised, as a noticeable separation between the eastern boundary of the site and the commercial buildings at Roundstone would be retained as open field and the open space between these existing buildings and the ASDA superstore at Ferring would not be reduced. I have not been made aware of any other proposals for development in this gap.
35. Criterion c requires the development to not be able to be located elsewhere. It does not identify the evidence required to demonstrate that this is the case. However, the Council has been unable to demonstrate a 5-year HLS and it is significantly below the required level, even allowing for the implementation of its Interim Housing Statement in the last 18 months, which is intended to boost the supply of housing. Given the existing constraints on development in the District due to the SDNP, the amount of high grade agricultural land, and water neutrality issues, there is nothing before me that demonstrates the proposed development, which would assist in boosting the supply of housing to the required level could be located elsewhere.
36. Criterion d requires the development to maintain the character of the undeveloped coast. The purpose of the Policy is explained in accompanying paragraphs 7.4.1 to 7.4.7. These purposes include protecting areas of undeveloped coastline. However, paragraph 7.4.4 emphasises that the Policy is not intended to protect the countryside or landscape as such and it allows for appropriate, small scale development that is in keeping with the rural nature of the gaps. In this respect, I have found that, overall, the proposal would result in moderate harm to the landscape character but that this would be mainly contained within the site and would not have a significant effect on the character of the areas of undeveloped coast that surround the site.
37. For the reasons given above, I conclude that the proposal would generally accord with ALP Policy SD SP3.

*The setting of the South Downs National Park.*

38. The site lies within the wider setting of the SDNP, with its boundary being located about 1 km north of the appeal site at an elevated level. Paragraph 176 of the Framework gives great weight to conserving and enhancing landscape and scenic beauty in National Parks. It indicates that new development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on these designated areas.
39. At my site visit, I observed that the site is visible from the SDNP along the higher parts of the ridge up to Highdown Hill to the northeast. There are panoramic views southward over the coastal plain landscape from the summit of Highdown Hill. This landscape includes arable fields and settlements and isolated groups of buildings. Most of the proposed development would be screened behind tree cover north of the site. There would be a distant view of part of the development at its eastern end, where the access would be

provided, but this would be in the context of existing settlements and buildings, and I am satisfied that it would cause no significant harm to the setting of the designation.

40. With regard to views from the coastal plain to the SDNP, I observed that views to the south of the site would not include any views of the SDNP behind the appeal site, as the higher ground along the ridge and on Highdown Hill is to the east. As such, the proposal would not be seen in the same views as the SDNP and would therefore have no significant harmful effect on its setting. It would accord with ALP Policy LAN DM1, as it would have special regard to the conservation of the setting of SDNP, including views into and out of the Park; and ANP Policy EH2.

### *Design*

41. National policy provided in Chapter 12 of the Framework recognises the need for high quality design. In this respect, the Council has referred to the Arun District Design Guide (ADDG) Supplementary Planning Document which includes much of the guidance in the National Design Guide. ALP Policy D DM1 requires compliance with the ADDG. I have therefore given it significant weight as a guide that needs to be followed but it offers a degree of flexibility, and its recommendations carry less weight than policies in the ALP.
42. The Council has not contested the appellant's calculated overall density of development of 23.6 dwellings per hectare (dph) for the proposed 76 houses. The proposed density and layout would make an efficient use of land and would reflect the local area in density. It would be graduated away from the higher density of the adjacent housing at Loxwood, which lies within the northeast part of East Preston, to a lower density to the east, adjacent to the open countryside, by different forms of housing with more terraced and semi-detached housing to the west.
43. Whilst the proposed design would generally not be outwardly facing, as recommended in the ADDG, the views of the rear gardens along the eastern boundary of the site would be screened by the proposed 10m planted buffer outside the redline boundary of the site. I accept that the planting would take a significant time to mature and, in the meantime, would allow partial views of the proposed houses and gardens, but it would be sufficient to ensure that an acceptable transition would be provided between built development and the adjacent open countryside, particularly as the housing density along that boundary would be slightly lower than to the west of the site.
44. The development layout would be set out in rows, but these would be mainly in relatively short lengths, broken up by the road layout and areas of public open space. The development near to the southern boundary would consist of a longer stretch of linear development. It would follow the railway line but would be separated from it by a 3.2m high acoustic fence, the rear gardens that would include tree planting, and hedgerow planting, as well as the existing vegetation along the railway. As such, it would not present a prominent feature and would be appropriate at that location. This band of planting along the railway would act as a boundary between the built-development and the countryside to the south. I have been provided with nothing to demonstrate that an outward facing development onto that railway would provide a more acceptable transition.



45. The Council has referred to recent new development located in the village of Angmering where dwellings face out to Roundstone Lane on the western boundary, face east on the eastern boundary and on the north side face north towards the rugby club. I observed that the transition on the eastern side is provided by setting back properties from the A280 at the edge of village location. However, the appeal site has different characteristics from this other development site, with the railway line providing a clear boundary to the south and the A259 providing a boundary to the north. It is also related to East Preston which has a different character from Angmering village. In this respect, the Design and Access Statement (DAS) has identified how the design and layout would relate to that in East Preston. Furthermore, most of the proposed dwellings to the north of the site would face outward towards the A259, being set back behind a wide area of planting and play space.
46. The Council has not objected to the materials and use of arts and craft design for the proposed 2 storey houses, as described in the DAS. This draws upon the red or orange stock bricks and yellow brick, with a mix of red and grey roof tile that occurs locally in the house designs. There would be some variation in height and style of the two storey, predominantly hipped roof and detached buildings that would reflect the traditional vernacular of some of the post war dwellings within East Preston. I consider that this would provide sufficient variety to not require any variation from the linear form of development proposed, particularly as many of the buildings would be partially screened by planting within the site and along the site boundaries.
47. The proposal would provide a greater level of play space than the policy requirement in the form of a Local Area for Play (LAP) that would be overlooked by dwellings that would face onto it, and a Local Equipped Area for Play (LEAP) that would be set back from the A259 behind a relatively wide planted area. As such, I find that these would be appropriately located to allow them to be widely used safely by not only future residents of the proposed development but also other nearby residents. There would also be a relatively wide band of planting and open space to the west of the site between the proposed buildings and the adjacent dwellings in East Preston that would help to soften the development.
48. The eastern access road into the appeal site would require some of the planting along the A259 to be removed which would allow views into the site, but the proposal would provide additional new planting to supplement that along the road and either side of the access road. I accept that this access would only be available from the A259 dual carriageway in a westerly direction which would limit vehicular accessibility between the development and East Preston. However, there would be a pedestrian/cycle link to Old Worthing Road at its junction with the roundabout on the A259 and the development would appear as an extension to that settlement, which has development on both sides of Old Worthing Road.
49. Having observed the development in the adjoining East Preston and for the reasons given above, I am satisfied that the proposed design would respect the existing surrounding development pattern, and would respond to the setting, scale and proportions. The appellant has demonstrated by means of the DAS, LVIA and expert evidence given at the Inquiry that the proposal would provide a high quality design in accordance with paragraph 134 of the Framework. It would accord with ALP policies D DM1, in that it has been demonstrated that

the proposal has had regard to the listed design aspects, including the ADDG; D SP1, as the proposed design would make efficient use of the land and reflect the characteristics of the site and local area; H DM1, as it would include an acceptable mix of dwelling types and sizes, including affordable housing; and OSR DM1, as it would provide an appropriate level of open space; and ANP policies HD3, HD4, HD5, HD6 and HD7.

### *Conclusions*

50. I conclude on these main issues that the proposal is acceptable in principle; it would result in moderate harm to the character and appearance of the surrounding area; it would not cause any significant harm to the East Preston to Ferring Settlement Gap or to the setting of the SDNP; and would be a high quality design. Whilst I have found that it would be contrary to ALP Policy C SP1 and ANP Policy HD1, it would generally accord with other development plan policies in relation to design, settlement gaps, the SDNP, character and appearance, as well as relevant policies in the Framework.

### ***Agricultural Land***

51. The site forms part of one arable field, which would be lost because of the proposed development. The remaining land beyond the appeal site would be retained as a smaller arable field, except for a 10m wide landscape buffer along the eastern boundary of the site.

52. The appeal proposal is supported by an Agricultural Land Classification prepared by ADAS, dated December 2020. This includes a detailed soil survey, which classifies the site as Grade 2 Best and Most Versatile (BMV) agricultural land. I recognise that much of the area of greenfield land in the District is BMV agricultural land and that Grade 2 is not the highest grade of land, with the ALP identifying that most of the undeveloped coastal plain within the District is high grade.

53. The appellant has provided evidence to show that the loss of the appeal site to agriculture would not prejudice the farming on the wider holding, as it would represent a relatively small part of the overall land within that holding. The site's physical constraints mean that it is largely separate from adjacent expanses of agricultural land, which means that its importance to the farming activities at the holding is limited. This reduces both its economic significance and the environmental benefits of its agricultural use. However, this evidence does not meet the requirements of ALP Policy SO DM1, which seeks to protect the BMV agricultural land.

54. ALP Policy SO DM1 states that the use of Grades 1, 2 and 3a of the Agricultural Land Classification for any form of development not associated with agriculture, horticulture or forestry will not be permitted unless the need for the development outweighs the need to protect such land in the long term. It identifies how this can be demonstrated. This is more restrictive than paragraph 174(b) of the Framework, which requires the economic and other benefits of BMV agricultural land to be recognised.

55. Based on the above, I conclude on this main issue that the proposal would have an adverse effect on the provision of agricultural land in the District. The proposal also fails to accord with ALP Policy SO DM1, as a sustainability and options appraisal has not been submitted as required by the Policy to

demonstrate that the need for the development outweighs the need to protect such land in the long term.

### **Other Matters**

56. I have considered the concerns expressed by local residents, Parish Councils and other interested groups that have objected to the proposal. I have dealt with some of these concerns under the main issues, in particular those regarding its design, the effect on the Settlement Gap and the countryside and the loss of agricultural land. Whilst the Council has not pursued some of its reasons for refusal at the Inquiry, I have addressed these below.

#### *Flooding*

57. The site lies wholly within Flood Zone 1, which comprises land where flooding from rivers and the sea is very unlikely. There is no history of flooding at the site from groundwater or from heavy rainfall events. Overall, the risk of flooding from all sources is low.

58. A surface water management strategy has been developed to manage and reduce the flood risk from surface water runoff, which accommodates a 1 in a 100-year storm event plus a 40% allowance for climate change. The Flood Risk Assessment and Drainage Strategy Report concludes that the proposed development satisfies the requirements of the Framework and that, through the incorporation of measures to accommodate flood risk within the development, including the implementation of the sustainable surface water drainage strategy, which would be secured by planning condition, the proposed development would not pose any flood risk.

59. The Council has agreed that the appeal proposal has been assessed robustly and consistently with the requirements of the ALP in respect of drainage and that it, as lead drainage authority, does not object on the basis of the amended plans submitted as part of the appeal proposal. The Council has shown that it is satisfied that the proposed drainage scheme, to be secured by planning condition, would constitute a sustainable form of development and there are no outstanding areas of dispute between the parties regarding drainage.

60. Based on the above, I find that there are no outstanding reasons to refuse planning permission on the grounds of drainage and flooding issues and I am satisfied that the proposal would accord with ALP policies W DM2 and W DM3 in this respect.

#### *Traffic and Highway Safety*

61. Following the refusal of planning permission, the appellant has submitted additional highways and transport information to the Council, including both a Technical Note addressing outstanding transport matters and a Design Audit addressing access design matters. West Sussex County Council, as the local highway authority (LHA), has not objected to the development proposals, and recognises that any issues could be suitably addressed by the provision of additional information.

62. The revised proposal includes amendments that were required to agree the access arrangements with the LHA. I am satisfied that they do not require comprehensive redesign of the access arrangements, nor alter the basis on which access would be achieved. The Council has confirmed that it has no

objection to the appeal proposal with regard to matters relating to highway safety, the form and design of the site access, highway capacity and traffic impact. I find that the proposal would accord with ALP Policy T SP1.

63. Local residents have expressed concerns about the level of queuing and congestion that is experienced near to the site, especially at peak times. However, I observed at my site visits that some of this is due to roadworks on the A259 and the timing of the level crossing closures on Old Worthing Road, East Preston. These are existing problems and I have been provided with very little substantive evidence to show that they would be made significantly worse by the appeal proposal. As such, and based on the evidence provided at the Inquiry, I find that the proposal would not have an unacceptable impact on highway safety and that the residual cumulative impacts on the road network would not be severe.

#### *Other Relevant Concerns*

64. With regard to the concerns expressed about the effect of Natural England's recent advice on water neutrality, at the Inquiry I have been provided with a copy of Natural England's Position Statement and accompanying plan that shows the site to be outside the affected area. Natural England responded in April 2022 to confirm that it has no objection to the proposed development.
65. I have considered the effect of the proposed planting and other works on the railway network, given that the southern boundary of the site abuts Network Rail's land. In this respect, there has been no objection from Network Rail regarding the proposal and its effect on the adjacent railway. Therefore, I am satisfied that the proposal would not compromise the operation and safety of the railway.
66. The Council has accepted that the impact of the proposed development on schools, healthcare and utilities in the area would be adequately dealt with by contributions made under the Community Infrastructure Levy Regulations 2010 (CIL), based on the Council's charging schedule, January 2020. The Council has not given this as a reason for refusal.
67. A local resident raised concerns about septic tanks adjacent to the site. The operation of septic tanks is dealt with under licence and environmental permits would be required to allow discharge on to the site. There is a duty to make the tanks watertight and the Environment Agency can take appropriate action to prevent any discharge of untreated sewage.
68. Other concerns, including those about construction noise and dust and highway safety, would be addressed by planning conditions. In terms of setting a precedent, each individual planning proposal should be determined based on its own planning merits in the light of prevailing policies and guidance. As such, allowing this appeal would not set a precedent for other development in the area.

#### ***Planning Obligations***

69. After the close of the Inquiry, the appellant submitted an engrossed section 106 Unilateral Undertaking, dated 14 July 2022, which is based on that submitted in draft at the Inquiry. The Council has agreed that planning obligations that it had requested and supported in its CIL compliance statement would be secured under the Unilateral Undertaking.

70. A planning obligation to secure the provision of 30% Affordable Housing on site, together with the required tenure, is necessary to meet local housing need and to accord with the requirements of ALP Policy AH SP2.
71. A planning obligation to secure the layout and maintenance of green infrastructure on the appeal site, including public open space with a LEAP and a LAP, and a landscape buffer outside the eastern boundary of the site, is necessary to make the proposed development functionally and visually acceptable. It would ensure that the proposal would accord with ALP policies OSR DM1, regarding the provision of public open space, and INF SP1, regarding infrastructure. It is proportionate to the scale of the development, as it would accord with the requirements of the Supplementary Planning Document Public Open Space, Playing Pitches and Built Facilities, January 2020. It would be directly related to the development, as the green infrastructure would be located on or adjacent to the site and would be necessary to make the development acceptable in planning terms.
72. A contribution payable towards the cost of carrying out improvement works to the A27, as requested by Highways England, is necessary to mitigate the impact of additional traffic on the highway network, given that the appeal site is close to the A27. The sum of the contribution is based on the contributions that have been calculated to arise from the nearby Angmering South and East Strategic Development Site in the Enterprise Bognor Regis Transport Review 2017 report, which I consider would ensure that they would be proportionate to the scale of the development.
73. The provision of, and funding for, a travel plan, including its preparation and implementation, the appointment of a co-ordinator and its monitoring, is necessary to promote the use of sustainable modes of transport in order to mitigate the effect of the occupiers of the development on the need to travel in the area. It would also ensure that the proposal would accord with ALP policies T DM1, regarding the promotion of safe pedestrian and cycle access and access to public transport; and T SP1, which seeks to reduce the need to travel by car.
74. I have examined the evidence provided by the Council regarding the need for the above planning obligations and compliance with CIL Regulation 122. Based on this, and for the reasons given above, I am satisfied that the planning obligations in the Unilateral Undertaking would be necessary to mitigate the effects of the development and they meet the tests in CIL Regulation 122 and paragraph 56 of the Framework. I have therefore taken them into account in my determination of this appeal.

### ***Planning Balance***

75. Based on its AMR, the Council has accepted that it is unable to demonstrate a 5-year supply of deliverable housing land. As such, the policies which are most important for determining the application are considered out of date, as specified in footnote 8 of the Framework. In these circumstances, paragraph 11d)(ii) of the Framework indicates that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
76. The Council has accepted that the appeal site is in a sustainable location, being well connected to public transport services and close to local services and

facilities, including shops, local schools, health facilities, sport facilities and community facilities. This is confirmed by the draft allocation of the site for such in the emerging Local Plan.

77. It is evident by the Council's low 5-year HLS that there is a serious and persistent housing crisis locally. The Council has acknowledged that currently the only way to solve the problem locally is to grant permissions on greenfield sites not originally envisaged for housing in the adopted ALP, as residential development on the allocated large strategic sites is not coming forward early enough to make a significant contribution to the 5-year HLS.
78. The appeal proposal would deliver 76 dwellings, which would contribute towards boosting the District's HLS. As the proposal is for full planning permission from a national housebuilder with an agreed planning condition to reduce the implementation time to 2 years, it is likely to make a significant contribution towards the 5-year HLS. I have therefore given this substantial weight as a benefit.
79. The section 106 Unilateral Undertaking would secure the provision of 23 affordable dwellings, which would be policy compliant with a 30% affordable housing provision. The Council's Housing and Homeless Strategy states that there were 900 applicants on the Housing Register in August 2018. The Strategy sets a target of 250 affordable homes per annum over its two-year period from 2019 to 2021, totalling 500 by March 2021 and recognises that most of these homes will be delivered within market developments that come forward through the planning system. Although the proposal would provide no more affordable homes than that required by the policy, such a provision carries substantial weight, based on the Council's continued failure to deliver sufficient affordable housing.
80. The construction phase would have an input to the local economy associated with expenditure on services and supplies needed by the contractors. At the operational phase, increased levels of household spending in the local area would be expected from the introduction of new residents. I have given these economic benefits significant weight as the appellant has identified that 76 new households could be expected to generate around £1.9 million per year in household spending, based on data from the Office for National Statistics.
81. The provision of public open space provision carries moderate weight, as it is likely to be mainly used by future residents of the proposed development. I have also given the environmental benefits from the proposed ecological and landscaping enhancements moderate weight, as much of the landscaping is mitigation and any biodiversity gains are not quantified by any recognised metric.
82. The provision of sustainable drainage (SUDS) would be necessary to achieve sustainable development and satisfy requirements under ALP policies. Therefore, any improvements that the proposal would make to drainage and surface water run-off carry limited weight as a benefit.
83. I have found that the proposal fails to accord with ALP Policy C SP1, ALP Policy SO DM1 and ANP Policy HD1. ALP Policy C SP1 is one of the most important policies for determining the appeal. This conflict results in the proposal failing to accord with the development plan as a whole. However, as ALP Policy C SP1 acts as a constraint to residential development and there is a demonstrable

shortfall in HLS, I have only attached moderate weight to the conflict with this Policy. Also, as ALP Policy SO DM1 is inconsistent with paragraph 174 b) of the Framework, I have given it moderate weight.

84. The harm to the character and appearance of the area is the main adverse effect that I have identified. I recognise that the design has included mitigation such as increased tree and hedgerow planting and landscape buffers to reduce the severity of this harm. I have therefore given this significant weight. There is also the harm that would result from the loss of agricultural land. I have given this adverse effect moderate weight, due to the relative location and scale of the land that would be lost.
85. When the above considerations are taken together and weighed in the balance, I find that the adverse impacts would not significantly and demonstrably outweigh the benefits that I have identified, when assessed against the policies in the Framework taken as a whole. I conclude that a presumption in favour of sustainable development has been established for the proposed development.

### **Planning Conditions**

86. I have considered the suggested conditions should the appeal be allowed that formed the basis of discussions at the Inquiry. A condition requiring development to commence within 2 years<sup>1</sup> is necessary to ensure that the development is likely to make a contribution to the agreed 5-year HLS shortfall. A condition referring to the plans<sup>2</sup> is in the interests of certainty and to ensure that the development would accord with what is proposed.
87. A condition to secure and implement a Construction Management Plan (CMP)<sup>3</sup>, including the control of hours of working, noise and dust, is necessary to safeguard the environment, public amenity and highway safety during construction. A condition regarding energy supply<sup>4</sup> is necessary in the interests of sustainable development and climate change. A condition to secure the implementation of an 'Ecological Enhancement Plan'<sup>5</sup> is necessary to protect the wildlife and biodiversity of the area.
88. A condition to secure the provision of landscaping<sup>6</sup>, including measures to protect existing trees and hedgerows, is necessary to minimise any impact that the proposal would have on the character and appearance of the area. A condition to secure the installation of electric vehicle charging points<sup>7</sup> is in the interests of promoting sustainable development. A condition to control external lighting<sup>8</sup> is necessary to protect the environment, the appearance of the area, residential amenity, and wildlife.
89. A condition to secure car parking and cycle parking<sup>9</sup> is necessary to protect residential amenity and highway safety and in the interests of promoting sustainable transport. A condition regarding the construction of roads,

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<sup>1</sup> Condition 1

<sup>2</sup> Condition 2

<sup>3</sup> Condition 3

<sup>4</sup> Condition 4

<sup>5</sup> Condition 5

<sup>6</sup> Condition 6

<sup>7</sup> Condition 7

<sup>8</sup> Condition 8

<sup>9</sup> Condition 9

footways, and casual parking areas<sup>10</sup> is necessary for residential amenity and highway safety reasons.

90. A condition regarding the provision and maintenance of fire hydrants<sup>11</sup> is necessary to protect the health and safety of future residents. A condition to control the materials and finishes used for external walls and roofs<sup>12</sup> and a condition to control finished floor levels<sup>13</sup> are necessary in the interests of providing a high quality development and to protect visual amenity. A condition to secure the implementation of a programme of archaeological work<sup>14</sup> is necessary to protect the potential archaeological significance of the site, given the evidence from the Council.
91. Conditions regarding contamination<sup>15</sup> are in the interests of health and safety. Conditions regarding noise mitigation<sup>16</sup> and glazing<sup>17</sup> are necessary to ensure that future residents have acceptable living conditions. Conditions to ensure that an acceptable surface water drainage scheme is secured<sup>18</sup> and maintained<sup>19</sup> are necessary to protect the area from pollution and flooding. Conditions to secure the implementation of approved access, pedestrian and highway works<sup>20</sup> and a scheme to prevent the egress of vehicles onto the roundabout<sup>21</sup> are necessary for highway safety reasons.
92. I have amended and/or combined some of the suggested conditions. The Council and appellant have agreed that a condition originally suggested by the Council to secure housing for older people and people with disabilities is unnecessary and would not meet the tests in the Framework. I am satisfied that all the conditions that I have included are reasonable and necessary, meet the tests given in the Framework and reflect the advice in the Planning Practice Guidance.

### **Overall Conclusions**

93. In applying section 38(6) of the Planning and Compulsory Purchase Act (2004), I have found that the proposal would not accord with the development plan as a whole. However, in my opinion the presumption in favour of sustainable development is a material consideration that indicates that the decision should be taken otherwise than in accordance with the development plan. Therefore, for the reasons given and having regard to all relevant matters raised, I conclude that the appeal should succeed.

*M J Whitehead*

INSPECTOR

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<sup>10</sup> Condition 10

<sup>11</sup> Condition 11

<sup>12</sup> Condition 12

<sup>13</sup> Condition 22

<sup>14</sup> Condition 8

<sup>15</sup> Conditions 14 and 15

<sup>16</sup> Condition 16

<sup>17</sup> Condition 17

<sup>18</sup> Condition 18

<sup>19</sup> Condition 19

<sup>20</sup> Condition 20

<sup>21</sup> Condition 21



## **APPEARANCES**

### FOR THE LOCAL PLANNING AUTHORITY:

Andrew Parkinson, of Counsel He called	instructed by the Solicitor, Arun District Council
David Innes BA(Hons) Dip TP MRTPI	Blueprint Planning & Development Ltd

### FOR THE APPELLANT:

Thea Osmund-Smith, of Counsel	instructed by the Planning Director and Planning Manager, Redrow Homes Limited
Odette Chalaby She called	
Andrew Cook BA Hons MLD CMLI C Env MIEMA	Director, Pegasus Group
Colin Pullan BA(Hons) DipUD	Head of Urban Design and Masterplanning, Lambert Smith Hampton
Sarah Beuden MRTPI	Director, Savills (UK) Ltd

### INTERESTED PERSONS:

Nikki Hamilton-Street Councillor Andy Cooper	Chair, Angmering Parish Council Ward member for Angmering, Patching, Clapham and Findon, Arun District Councillor
Helen Keeping	Local resident
Carol Ellis	Local resident
Edward Wilkinson	Local resident
Ed Miller	Secretary of Ferring Conservation Group and Convenor of the Protect Our Gaps Alliance
Roger Elkins	Ferring Councillor

## **DOCUMENTS SUBMITTED AFTER OPENING THE INQUIRY**

- 1 Notification letter and list of those notified, submitted by the Council on 4 July
- 2 Landscape Masterplan No P21-3569\_01 Rev D, submitted by the appellant on 4 July
- 3 Copy of the appellant's opening statement, submitted by the appellant on 4 July
- 4 Copy of the Council's opening statement, submitted by the Council on 4 July
- 5 Copy of the statement read by Nikki Hamilton-Street, submitted by Nikki Hamilton-Street on 4 July
- 6 Copy of the statement read by Councillor Cooper, submitted by Councillor Cooper on 4 July
- 7 Copy of the statement read by Ed Miller, submitted in email by Ed Miller from 4 July
- 8 Copy of the statement read by Edward Wilkinson, submitted in email from Edward Wilkinson on 4 July
- 9 HELAA assessment summary table, submitted by the appellant on 5 July
- 10 Site visit itinerary and plan, submitted by the appellant on 5 July
- 11 Suggested conditions, submitted by the Council on 6 July
- 12 List of appeal plans, submitted by the appellant on 6 July
- 13 Signed Landscape Statement of Common Ground, submitted by the Council on 6 July
- 14 Signed general Statement of Common Ground, submitted by the Council on 6 July
- 15 Signed Urban Design Statement of Common Ground, submitted by the Council on 6 July
- 16 CIL Compliance Statement, submitted by the Council on 6 July
- 17 Copy of Natural England's Position Statement for Applications within the Sussex North Water Supply Zone, September 2021 Interim Approach and accompanying plan; and Natural England consultation response to the appeal proposal, dated 28 April 2022, submitted by the Council on 6 July
- 18 Report to and decision of Planning Policy Committee on 7 June 2022 to resume the Arun Local Plan update, submitted by the Council on 6 July
- 19 Report and resolutions of the Planning Policy Committee on 7 June 2022, submitted by the Council on 6 July
- 20 Erratum for Sarah Beuden Planning Proof of Evidence, submitted by the appellant on 6 July
- 21 Suggested amendments to the noise condition, submitted by the appellant on 7 July
- 22 Updated CIL Compliance Statement, submitted by the Council on 7 July
- 23 Draft section 106 Unilateral Undertaking, submitted by the appellant on 7 July
- 24 Closing comments on behalf of the Council, submitted by the Council on 7 July
- 25 Closing submissions on behalf of the appellant, submitted by the appellant on 7 July
- 26 Appellant's reply to the Council's closing comments, submitted by the appellant on 7 July
- 27 Engrossed section 106 Unilateral Undertaking, received on 14 July

## **SCHEDULE OF CONDITIONS**

- 1) The development hereby permitted shall begin not later than 2 years from the date of this decision.
- 2) The development hereby approved shall be carried out in accordance with the following approved plans:
  - Planning Layout (Drawing: A1004 001, Rev C)
  - Coloured Planning Layout (Drawing: A1004 01 Rev C)
  - Site Location Plan (Drawing: A1004 02, Rev A)
  - Massing Plan (Drawing: A1004 003 Rev B)
  - Occupancy Plan (Drawing A1004 004 Rev B)
  - Enclosures Plan (Drawing: A1004 006 Rev B)
  - Parking Plan (Drawing: A1004 008 Rev B)
  - Refuse Plan (Drawing: A1004 009 Rev B)
  - Cycle Storage Plan (Drawing: A1004 010 Rev B)
  - Street Scenes (Drawing: A1004 011 Rev B)
  - House Type Brochure including:
    - A1004 12 Letchworth Plans
    - A1004 13 Letchworth Brick Elevations
    - A1004 14 Letchworth Render Elevations
    - A1004 15 Warwick Brick Plans & Elevations
    - A1004 16 Oxford-Lifestyle Brick Plans & Elevations
    - A1004 17 Oxford- Lifestyle Render Plans & Elevations
    - A1004 18 Windsor Special Brick Plans & Elevations
    - A1004 19 Windsor Special Render Plans & Elevations
    - A1004 20 Marlow Render Plans & Elevations
    - A1004 21 Oxford Brick Plans & Elevations
    - A1004 22 Oxford Render Plans & Elevations
    - A1004 23 Cambridge Render Plans & Elevations
    - A1004 24 Henley Special Plans
    - A1004 25 Henley Special Brick Elevations
    - A1004 26 Tavy Leadon Special – Maisonette & Block Plans
    - A1004 27 Tavy Leadon Special Brick - Maisonette 6 Block Elevations Brick 1
    - A1004 28 Tavy Leadon Special Brick - Maisonette 6 Block Elevations Brick 2
    - A1004 29 Tavy Special 4 Block Plans
    - A1004 30 Tavy Special 4 Block Brick Elevations
    - A1004 31 Dart Special 2 Block Plans
    - A1004 32 Dart Special 2 Block Brick Elevations
    - A1004 33 Dart Special 3 Block Plans
    - A1004 34 Dart Special 3 Block Brick Elevations
    - A1004 35 Single Garage
  - Topographical Survey Sheets 1-6
  - General Arrangement (Drawing Ref: A334-FA-10 P2)
  - Long sections 1 (Drawing Ref: A334-FA-15 P2)
  - Long sections 2 (Drawing Ref: A334-FA-16 P1)
  - Drainage Layout (A334-FA-50 P2)
  - Drainage Construction Details 1 (Drawing Ref: A334-FA-55 P1)
  - Drainage Construction Details 2 (Drawing Ref: A334-FA-56 P1)
  - Large Refuse Vehicular Tracking (Drawing Ref: A334-FA-80 P2)
  - Fire Tender Vehicular Tracking (Drawing Ref: A334-FA-81 P2)
  - Car Vehicular Tracking (Drawing Ref: A334-FA-82 P2)
  - Landscape Masterplan (Drawing Ref: P21-3569\_Rev 01D)

Tree Protection Plan (Drawing Ref: RED23031 03 Rev F)

- 3) No development shall commence until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. Thereafter the approved CMP shall be implemented and adhered to throughout the entire construction period. The CMP 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;
  - mitigation measures associated with limiting dust arising from construction activities to protect neighbouring residential properties;
  - the parking of vehicles by site operatives and visitors, and 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);
  - details of public engagement both prior to and during construction works; and
  - times of working.
- 4) At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low carbon energy sources, as described in the glossary at Annex 2 of the National Planning Policy Framework, unless it can be demonstrated that a fabric-first approach would achieve an equivalent energy saving. Details and a timetable of how this is to be achieved for the development, including full details of physical works on the site, shall be submitted to and approved in writing by the local planning authority before any development above damp proof course begins. The development shall be implemented in accordance with the approved details and timetable and retained as operational thereafter.
- 5) The development shall proceed in accordance with the 'Ecological Enhancement Plan' dated July 2021 (EEP). These measures shall include:
- A bat sensitive lighting scheme;
  - planting including native scrub, orchard and species rich grassland in accordance with Appendix 3 of the EEP;
  - where possible, the retention of vegetation along the northern boundary of the site; and
  - provision for bats, birds, reptiles and hedgehogs.
- 6) No development above damp proof course level shall take place until there has been submitted to and approved in writing by the local planning authority a

landscaping scheme. The landscaping scheme shall include details of hard and soft landscaping and details of existing trees and hedgerows to be retained, together with measures for their protection during the course of the development in accordance with the Arboricultural Impact Assessment & Method Statement (Rev: D: 10.03.200, Ref: RED23031aia\_ams). The approved details of the landscaping shall be carried out in the first planting and seeding season following the first occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

- 7) A scheme for the provision of facilities to enable the charging of electric vehicles to serve the dwellings hereby permitted shall be submitted to and approved in writing by the local planning authority and no dwelling with an electric car charging point shall be occupied until the electric car charging point for that dwelling has been provided in accordance with the approved scheme. The charge points shall thereafter be retained and maintained in accordance with the manufacturer's instructions.
- 8) No external lighting shall be installed until details have been submitted to and approved in writing by the local planning authority. The details shall include a layout plan with beam orientation and a schedule of light equipment proposed, giving luminaire type, mounting height, aiming angles and luminaire profiles. The external lighting shall be installed prior to first occupation of the development hereby permitted, fully assessed by a competent individual when operational to ensure no light creep/bleed, maintained and operated, in accordance with the approved details.
- 9) No dwelling shall be first occupied until the car parking and cycle parking serving that dwelling has been constructed in accordance with the approved site plan. Once provided the spaces shall thereafter be retained at all times for their designated purpose.
- 10) No part of the development hereby permitted shall be occupied until the roads, footways, and casual parking areas serving the development have been constructed, surfaced, and drained in accordance with plans and details that shall have been submitted to and approved in writing by the local planning authority.
- 11) Prior to the first occupation of any dwelling/unit forming part of the permitted development fire hydrants shall be installed in accordance with details and in locations that shall have been submitted to and approved in writing by the local planning authority. The details shall include the maintenance of the fire hydrants and the fire hydrants shall thereafter be maintained in accordance with the approved details.
- 12) No buildings hereby permitted shall be constructed above damp proof course level until a schedule of materials and finishes to be used for external walls and roofs of the buildings have been submitted to and approved in writing by the local planning authority. The materials so approved shall be used in the construction of the buildings.

- 13) No development shall take place until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation that has been submitted to and approved in writing by the local planning authority.
- 14) Prior to commencement of the development hereby permitted or such other date or stage in development as may be agreed in writing with the local planning authority, the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the local planning authority:
- (1) A Preliminary Risk Assessment which has identified: all previous (historical) uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; and potentially unacceptable risks arising from contamination at the site.
  - (2) A Site Investigation Scheme, based on (1) above to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
  - (3) Based on the Site Investigation Scheme and the detailed risk assessment (2), an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  - (4) A Verification Report providing details of the data collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The scheme shall be implemented as approved above.

- 15) If during development, any visible contaminated or odorous material, for example, asbestos containing material, stained soil, petrol / diesel / solvent odour, underground tanks or associated pipework, not previously identified, is found to be present at the site, no further development shall be carried out, unless otherwise expressly agreed in writing with the local planning authority, until it has been fully investigated using suitably qualified independent consultants. The local planning authority shall be informed immediately of the nature and degree of the contamination present and a method statement detailing how the contamination will be dealt with shall be prepared and submitted to the local planning authority for approval in writing before being implemented.

If no such contaminated material is identified during the development, a statement to this effect shall be submitted in writing to the local planning authority prior to the first occupation of the development hereby permitted.

- 16) Prior to the first occupation of the development hereby permitted, a noise mitigation strategy in accordance with the document entitled 'Land South of Angmering: Noise Impact Assessment: Technical Report: R8760-3 Rev 2', dated 26 May 2021, produced by 24 Acoustics shall be submitted to and approved in writing by the local planning authority. Thereafter, the strategy shall be implemented and maintained as approved.
- 17) Prior to the construction of any dwelling hereby permitted, details of the glazing specification for all habitable rooms shall be submitted to and approved

in writing by the local planning authority to ensure that the internal noise levels detailed in British Standard 8223 are met. The development shall be carried out in accordance with the approved details.

- 18) No development other than works of site survey and investigation shall commence until full details of a surface water drainage scheme have been submitted to and approved in writing by the local planning authority. The design shall follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. No dwelling hereby permitted shall be occupied until the complete surface water drainage system serving the dwelling has been implemented in accordance with the approved details.
- 19) No development shall commence until full details of the maintenance and management of the surface water drainage system have been set out in a site-specific maintenance manual which has been submitted to and approved in writing by the local planning authority. The manual shall include details of financial management and arrangements for the replacement of major components at the end of the manufacturer's recommended design life. Upon completion, the surface water drainage system shall be maintained and managed strictly in accordance with the approved maintenance manual.
- 20) Prior to the first occupation of the development hereby permitted, the site access onto the A259 and the associated pedestrian improvements and highway works as set out in Drawing ITB16357-GA-004 Revision F shall be implemented and brought into use in accordance with detailed construction drawings that shall have been submitted to and approved in writing by the local planning authority.
- 21) Prior to first occupation of the development hereby permitted a scheme of works to prevent the egress of vehicles from the development onto the A259/A280 roundabout shall be implemented and brought into use in accordance with plans and details that shall have been submitted to and approved in writing by the local planning authority. Thereafter, the scheme shall be maintained in perpetuity.
- 22) No development other than site clearance and site preparation shall commence until details of finished levels of the ground and floors of the buildings have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.