



---

## Appeal Decision

Hearing Held on 4 March 2025

Site visit made on 4 March 2025

**by Mr Cullum Parker BA(Hons) PGCert MA FRGS MRTPI IHBC**

**an Inspector appointed by the Secretary of State**

**Decision date: 12<sup>th</sup> March 2025**

---

**Appeal Ref: APP/C3810/W/24/3354570**

**(Former) Travis Perkins, The Causeway, Arundel, West Sussex BN18 9JL**

- 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 Birchside Developments Ltd against the decision of Arun District Council.
  - The application Ref LY/11/23/PL, dated 4 December 2023, was refused by notice dated 13 May 2024.
  - The development proposed is described as '*Change of use of Engine Shed (Listed Grade II) to provide 6 residential units, and to construct one block of 15 units and one block of 6 units, associated parking, landscaping and bin storage.*'
- 

### Decision

1. The appeal is allowed and planning permission is granted for a change of use of Engine Shed (Listed Grade II) to provide 6 residential units, and to construct one block of 15 units and one block of 6 units, associated parking, landscaping and bin storage at the (Former) Travis Perkins, The Causeway, Arundel, West Sussex BN18 9JL in accordance with the terms of the application, Ref LY/11/23/PL, dated 4 December 2023, subject to the conditions set out in the attached schedule.

### Application for costs

2. Before the Hearing an application for costs was made by Birchside Developments Ltd against Arun District Council. This application is the subject of a separate Decision.

### Procedural Matters

3. Between the decision being made by the Local Planning Authority and the Hearing on 4<sup>th</sup> March 2025, common ground was found by the main parties on some of the main issues – for example on affordable housing. I have addressed these where appropriate within the main issues of this decision.
4. The description of development as applied for was altered by the Decision Notice stage to include the term 'enabling development'. However, it was made clear at the Hearing by the Appellant that this phrase should not be used in the description of what permission is sought for. This appears to be a pragmatic approach, and its exclusion from the development description does not alter what permission is granted for. I have proceeded on this basis.

5. Neither party sought to accompany me on a site visit. I therefore undertook an unaccompanied site visit after the Hearing closed on Tuesday 4 March 2025, where I was able to see both the appeal site and its wider context.
6. There is an associated appeal for Listed Building Consent (LBC), ref 3354700, for the Grade II listed Engine Shed. That seeks to provide consent for the works to the listed building to enable its conversion to residential use. Whilst this was also a subject of the Hearing, it has a separate decision letter, reflecting the matters relevant under s20 and s16 of the *Planning (Listed Buildings and Conservation Areas) Act 1990* (PLBCAA).
7. At the Hearing, the Council re-iterated that it had no objection to the changes sought to the Grade II Listed Building (the Engine Shed), subject to the acceptance of drawing numbered 22046 2.04 Revision D. This drawing was submitted to the Council before the LBC scheme was determined, and has been available on the Council's website for interested parties to view and comment on. It has also been referenced a number of times within the submitted written evidence. I do not, therefore, consider that anyone is prejudiced by the acceptance of this drawing in terms of determining this planning appeal scheme. I have therefore proceeded on the basis that it is the Rev D drawing which the scheme falls to be determined against. In doing so, the Council confirmed that it no longer sought to defend the reason for refusal relating to heritage impacts.
8. The Council also re-iterated that it considered, in light of the submitted drawing 22046 2.04 Revision D, that the scheme would not result in any harm to the architectural or historic features of any listed building, nor to the setting(s) of any nearby heritage assets. I have considered this in the appropriate main issue of this decision below.

## **Main Issues**

9. The main issues in this case were set out in the *Pre-Hearing Note and Agenda* to the Hearing. These were considered to be the main issues at that stage, based upon the reasons for refusal and submitted written evidence:
  - i) The effect of the proposal on the character and appearance of the area; including the proposal's design, and the effect of the proposal on the statutory purposes of the nearby South Downs National Park, and;
  - ii) Whether or not the proposal passes the 'sequential test' in respect of flooding, and if so, whether or not it passes the 'exception test', and;
  - iii) The effect of the proposed development in respect of surface water flooding, and;
  - iv) Whether or not the proposal secures adequate provision in respect of affordable housing, and if not, whether this is justified, and;
  - v) Whether the proposal makes adequate provision in respect of parking provision, and;
  - vi) Whether the proposed development makes adequate provision for public open space provision for future occupiers or not, and;
  - vii) The effect of the proposal on the Grade II listed building known as the Engine Shed, and other nearby heritage assets, and;

- viii) Whether the proposal makes adequate provision in respect of infrastructure; including in respect of Travel Plan and monitoring fee, and;
- ix) The overall planning balance.

## Reasons

10. The site is an approximate 0.43 hectares in total and comprises an area most recently used in 2021 as a builders merchant. The topography of the site includes a steep rise to the southwest corner (near to proposed Building C). One building presently on site is the 'Engine Shed'. This is currently an empty Grade II Listed Building, originally built as a goods shed. It is proposed that this building is converted into six residential units.
11. Overall, the appeal scheme seeks planning permission for 27 dwellings, located within three separate buildings comprising: Building A; the Engine Shed<sup>1</sup>, Building B; located close to the main access into the site, and Building C located to the southern end of the site (as shown on drawing 22046 2.02 Revision D for example). The residential mix would consist of 13 x 1 bed and 14 x 2 bed units. The scheme also seeks permission for 42 parking spaces, landscaping and bin storage.

## Character and appearance

12. Policy SD SP2 of the *Arun District Local Plan 2011-2031* (adopted July 2018) (herein LP) indicates that Built-up Area Boundaries (BUAB) are defined for the main towns and villages within the district and shown on the Policies Maps. It also sets out that development should be focused within the BUAB and will be permitted, subject to consideration against other policies in the LP. In itself, it does not direct or inform a decision-maker that development outside the BUAB will be refused.
13. Policy C SP1 of the LP indicates that outside the BUAB land will be defined as countryside and will be recognised for its intrinsic character and beauty. In this respect, the Policy reflects that set out in the *National Planning Policy Framework* (the Framework) at paragraph 187 b), where it states that planning decisions should '*contribute and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside*'.
14. However, Policy C SP1 of the LP goes a bit further, by setting out certain criteria, such as quiet informal recreation or green infrastructure, where development will be permitted. The proposal does not fall into any of these criterions.
15. Policy EH1 of the *Lyminster and Crossbush Neighbourhood Plan 2024* (LCNP) sets out there is a recognised village envelope; as the parish does not have any designated settlement boundaries. The Policy indicates that outside of the village envelopes, as the appeal site is, proposals which do not accord with development plan policies in respect of the countryside will be resisted unless where the benefits outweigh any harm, and it can be demonstrated that no reasonable alternative sites are available.

---

<sup>1</sup> Have adopted the name 'engine shed' for Building A for consistency, whilst noting that it is also referred to a goods shed in some of the submitted written evidence, including the heritage statements and comments.

16. It is common ground between the main parties that the appeal site does not lie within a BUAB area. Therefore, it is technically in the 'countryside' for planning policy purposes. It is also agreed that the proposal does not meet the criteria of where development will be permitted in the countryside under Policy C SP1 of the LP.
17. However, the specifics of the appeal site and its context are important here. It is a brownfield site; not only in terms of most recent use but also in terms of its general appearance and character. This fact is generally agreed between the main parties; and I agree from what I have seen and heard.
18. Indeed, it is certainly not countryside in appearance terms in the sense that any ordinary person would anticipate – for example farmland or woodland. I saw from my site inspection that when approaching from the north towards the appeal site, it is experienced through the physical and visual context of; the A27 main road between Arundel and other settlements, the residential dwellings along the A27, the Arundel railway station and its associated paraphernalia such as signage and palisade style fencing, the hardstanding car park serving the railway station, the Network Rail maintenance depot, and various mast like structures.
19. In terms of the immediate context of the appeal site, and that which it would most readily be viewed from by people, the site reads as a brownfield site rather than as a bucolic or rural countryside site. I note that the Council indicates that they consider that the wider landscape is mainly rural/semi-rural, with irregularly shaped pasture fields and scattered farmsteads<sup>2</sup>. This is true, and beyond the appeal site there are areas of open fields; such as those found on the northern side of the A27 or beyond the tree line of the appeal site to the south and west respectively. Indeed, the topography of the site, with the steep bank towards the southern edge, and the existing development around the site as indicated above, means that in practical terms the site has a degree of visual self-containment.
20. Within such a context, it is difficult to see how the proposed conversion of an existing building and the erection of two new buildings would harm the character and appearance of the area in countryside terms, as suggested by the Council in its reason for refusal. I note that the Appellant's *Landscape and Visual Impact Assessment*, dated 16 October 2023, (LVIA) considers that there would be a minor adverse effect on the surrounding landscape character and a minor adverse effect on visual amenity.
21. However, when the proposed development is considered within its existing context, and as informed by the facts on the ground as detailed above, and given its relatively self-contained appearance and that built development on this brownfield site would not be uncharacteristic, I find that the proposal would not result in harm to the intrinsic character and beauty of the countryside.
22. Turning to the matter of design, the Council point to the fact that the site is located within the settlement gap of Arundel and Littlehampton and is therefore considered to be semi-rural in character with sporadic development consisting predominately of medium to large, detached properties to the north of the site, with the South Downs National Park located the opposite side of the A27 road

---

<sup>2</sup> Council's Statement of Case, page 3 of 25 pdf version, Paragraph 2.5.

around 50m north of the site access. They consider that whilst there is an existing structure on site and remnants of others, due to the amount and type of development proposed, comprising of a two and three-storey apartment block, it would be visually significantly development and out of keeping with its countryside setting. The Council also point to the density of 62 dwellings per hectare which would exceed the tolerances of the *Arun District Design Guide Supplementary Planning Document 2024* (ADDGSPD).

23. In terms of the appeal site, as considered above, its context lends itself to an opportunity to design a sensitive scheme to deliver housing and, at the same time, enable the restoration and conversion of the Engine Shed. I acknowledge that the density would be significantly greater than that typically found locally; especially in comparison to the settlements of Arundel, Lyminster and Crossbush. However, the site itself is somewhat different from those settlements insofar as it is directly adjacent the Arundel Railway Station where there are a number of functional buildings, structures, or open hardstanding car parking areas. In that context, the density proposed would not appear visually at odds with the prevailing pattern of development within the area.
24. In terms of layout, visitors to the appeal site will principally see the existing Engine Shed building and Building B – both of which the Council do not raise specific design concerns regarding – when approaching from the north. Whilst there would be larger areas of hardstanding to facilitate the proposed car parking, this would not appear as a single large area of parking that is seen in the adjoining station car park (which has around 150 spaces). This is because the appearance of the parking would not only be mitigated by its spread across the site rather than in one single area, but it would also be landscaped; a matter that can be secured by planning condition.
25. Furthermore, there would be areas of open space or landscaped amenity land, which would visually separate the proposed and existing buildings on the site. In this respect, I do not find that the proposed layout would appear as cramped or an overdevelopment of the site, and therefore it would not be harmful in character and appearance terms.
26. With regard to Building C, I note that this would be a three-storey building of a relatively modern appearance with flat green roof areas. It would, nonetheless, be seen in the context of the rising land to the south of the site, and therefore would not necessarily 'stand proud' or out of place in terms of its height. I note the Council's point made at the Hearing as to whether a design that reflects the Engine Shed, like that at Building B, would be a more sympathetic addition to the site. However, as I heard from the Appellant's Architect at the Hearing, there is a need to be careful that the right balance is struck between being sympathetic to the existing built environment of the site – as Building B does to the Engine Shed – and trying to avoid designing a pastiche development.
27. In this case, I acknowledge that Building C does take a very different design approach from the railway vernacular found in this location. But in doing so, it does not try and attempt to hide what it is: a building for people to live in and a contemporary-designed one. I note that the Council point to the character of Arundel, for example, which 'features a wealth of buildings with various architectural forms and styles'. However, the site is not in the built up area of Arundel. Instead, its scale, mass, form and height do not offend or visually

challenge that found at Building A (Engine Shed) or Building B; both of which have reasonably tall, vertical appearances when viewed from the gable ends (as existing or proposed) which would be the principal feature seen when entering the site.

28. Indeed, I note that the Council raise no issue with the impact of the proposed development on the setting of any listed buildings including the Engine Shed; even in light of what it considers to be a 'cramped' and 'overdevelopment' of the site. Given that setting is, in part, about how heritage assets are experienced, it would appear odd that there is considered to be no harm to setting, yet harm in respect of the contemporary designed Building C when both matters were to be considered as part of the local planning authority exercising its duties under the *Town and Country Planning Act 1990*, and similarly in terms of s66(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990* (herein PLBCAA).
29. Accordingly, for the reasons given above, I find that the proposal would not result in harm to character and appearance of the area; whether in terms of the countryside's intrinsic character and beauty, or in terms of the proposed design. I appreciate that there is a technical breach of Policy C SP1 and Policy SD SP2 of the LP as the site lies outside the BUAB. It also lies outside of the village envelopes as found in Policy EH1 of the LCNP. These policies seek to restrict development outside of the BUAB / village envelopes.
30. Yet, the underlying aims of the Policies, when read in their entirety, is to restrict development in the countryside that would be harmful by undermining its intrinsic character and beauty. However, as I have found in this case that the proposal would not result in such an outcome, it therefore follows that the proposal would not offend the underlying aims of the policies. As such, I do not find that the proposal would conflict with the general thrust of these Policies in respect of character and appearance.

#### *South Downs National Park*

31. The South Downs National Park is located near to the appeal site, towards the northern side of the A27. The LVIA indicates that for more distant views, including the Public Rights of Way (PROW) and users within and outside the National Park, a negligible effect is anticipated due to the enclosed nature of the site and intervening landform, built form and vegetation<sup>3</sup>.
32. The South Downs National Park Authority (SDNPA) provided detailed comments on 8 February 2024. They did not object to the proposal, but did highlight the statutory duty<sup>4</sup>, which is now set out in s245 of the *Levelling-up and Regeneration Act 2023* (LURA) which amended the earlier duty.
33. Relevant authorities must now 'seek to further' the statutory purposes of Protected Landscapes. The statutory purposes of the National Parks are set out on the DEFRA guidance as:
- *conserving and enhancing the natural beauty, wildlife and cultural heritage of the areas designated*

---

<sup>3</sup> See Landscape and Visual Impact Assessment undertaken by Lizard Landscape Design and Ecology, dated 16.10.2023, page 2 of 37 of pdf version.

<sup>4</sup> <https://www.gov.uk/government/publications/the-protected-landscapes-duty/guidance-for-relevant-authorities-on-seeking-to-further-the-purposes-of-protected-landscapes>

- *promoting opportunities for the understanding and enjoyment of the special qualities of those areas by the public*
34. The guidance indicates that the duty also applies to functions undertaken outside of the designated boundary which affects land within the Protected Landscape.
35. The proposal will not directly affect any land within the South Downs National Park in terms of built development. I note that there is the potential to affect the setting of the National Park through intrusive lighting (which is important as the whole National Park is an International Dark Night Skies Reserve), reflective solar panels, inappropriate planting and adverse effects on local biodiversity – including from lighting. However, it is possible to impose planning conditions which are reasonable and enforceable, to prevent such unsuitable solutions being used.
36. Furthermore, the proposal in this case would not prevent the continued use of the adjacent railway station or line (where issues such as noise or vibrations may arise from trains, these can be mitigated through the use of planning conditions and construction methods). That means that people living further away from the National Park can continue to access and enjoy the special qualities of the South Downs National Park – and access it using various and sustainable transport modes. Lastly, the proposal would result in 27 new residential units on a brownfield site, which would potentially enable a further 27 people; whether individuals, couples, or small families, the opportunity to enjoy the special qualities of the National Park.
37. In this respect, and in exercising my statutory duty in relation to Protected Landscapes including their setting, I find that the proposal, and by extension this decision, does seek to further the purposes of the South Downs National Park.

### ***The sequential and exception tests in respect of flooding***

38. According to the Environment Agency (herein EA) Flood Zone Mapping, most of the appeal site is located within Flood Zone 2; with a small area located within Flood Zone 3 classification<sup>5</sup>. Of note is that the access to the site is shown to be located within Flood Zone 3<sup>6</sup>.
39. The Appellant's *Flood Risk Sequential Test* dated 20 September 2023 indicates that when local flood defences are taken into account, '*both tidal and fluvial risk are markedly reduced*'<sup>7</sup>. Together with the Lower Tidal River Arun Strategy Environmental Report and the EA's stated commitment to sustain a 1 in 75 year Standard of Protection for at least the next 100 years, it is unlikely that overtopping of the local defences would occur within the lifetime of the development<sup>8</sup>. The Appellant confirmed at the Hearing that when the flood defence and protection measures are taken into account, the potential flood risk arising on the appeal site is considerably reduced.
40. The EA have indicated that their initial objection to the proposal is no longer sustained, so long as a condition is used.

---

<sup>5</sup> See *Former Travis Perkins Site, Arundel - Flood Risk Sequential Test* dated 20 September 2023, undertaken by Hilson Moran page 10, Para. 4.1.1

<sup>6</sup> Ibid, see Figure 4.1

<sup>7</sup> Ibid, page 11

<sup>8</sup> Ibid.

41. The Local Lead Flood Authority (LLFA), West Sussex County Council, indicated in their representations of January and February 2025, that they raise no objection to the proposal in respect of surface water drainage flood risk, and left the consideration of the Sequential Test and Exception Test to Arun District Council.

### *Sequential Test*

42. The principal dispute between the main parties on the Sequential Test is over the geographical area, expressed in parishes, that it is applied to. The Appellant has considered that the Parish of Lyminster and Crossbush is appropriate as its recently adopted Neighbourhood Plan identifies a need for housing which is unlikely to come forward in at least the next five years. The Appellant considers that this is a specific need for the proposed development to be in a particular sub-area. I note that within the Appellant's *Flood Risk Sequential Test* it refers to 30% of the dwellings would be 'affordable'<sup>9</sup>, however this is no longer the case. The Parish Council are nonetheless generally supportive of this specific area being used in the Sequential Test process.
43. The Council, as the Local Planning Authority (LPA), suggest that the Sequential Test area provided by the Appellant is limited, and should include the neighbouring parishes of Arundel, Ford, and the South Downs National Park to the north. However, there is no explanation as to why these parishes or areas should be specifically included within the scope of the flood risk or Sequential Test area provided by the Council.
44. Indeed, Figure 4.6 of the Appellant's Flood Risk Sequential Test document<sup>10</sup> shows the neighbouring parishes<sup>11</sup> which not only include Arundel, and Ford Parishes, but also include Poling, Littlehampton, Warningcamp; (which appear to share boundaries with the Lyminster and Crossbush Parish) and Burpham, Angemering, Rustington and South Stoke, respectively. It is unclear as to why other parishes that border Lyminster and Crossbush, such as Poling to the east, are not suggested to be included. I sought to explore this matter further at the Hearing; but was not provided with any further detailed explanation other than the Arundel and Ford areas were sought to be included as that was the position that the Council had taken in earlier stages of the process.
45. The fact remains that there appears to be a paucity of evidence provided by the Council to explain why the Sequential Test area was sought to include three parishes, but not other parishes that adjoined the appeal parish – regardless of whether or not they fell into the same LPA area.
46. Other than guidance provided at Paragraphs 27 and 28 of the national Planning Practice Guidance<sup>12</sup> (herein the Guidance), there is limited guidance on the area that a Sequential Test should cover. That the Sequential Test should be applied to the development proposed in an area at risk of flooding; as is the case here, is not disputed. More generally, the Guidance indicates that:

---

<sup>9</sup> Ibid, page 13

<sup>10</sup> Ibid, Page 18

<sup>11</sup> I use the term 'Parish' in a general sense, as they appear to reflect some of the areas adjacent to the appeal site parish as shown on Figure 4.6.

<sup>12</sup> <https://www.gov.uk/guidance/flood-risk-and-coastal-change#para27>

*'For individual planning applications subject to the Sequential Test, the area to apply the test will be defined by local circumstances relating to the catchment area for the type of development proposed...*

*And; For example, where there are large areas in Flood Zones 2 and 3 (medium to high probability of flooding) and development is needed in those areas to sustain the existing community, sites outside them are unlikely to provide reasonable alternatives. Equally, a pragmatic approach needs to be taken where proposals involve comparatively small extensions to existing premises (relative to their existing size), where it may be impractical to accommodate the additional space in an alternative location...*

*And; The planning authority will need to determine an appropriate area of search, based on the development type proposed and relevant spatial policies. The applicant will need to identify whether there are any other 'reasonably available' sites within the area of search, that have not already been identified by the planning authority in site allocations or relevant housing and/or economic land availability assessments, such as sites currently available on the open market...*

*And; Ultimately the local planning authority needs to be satisfied in all cases that the proposed development would be safe throughout its lifetime and not lead to increased flood risk elsewhere.'*

47. The local circumstances are that the appeal site is located within the Lyminster and Crossbush Parish. There is a recently 'made' Neighbourhood Plan which identifies a need for a minimum of 10 dwellings, of which around 7 could potentially be provided on an identified site (but possibly not within the next five years). There is, therefore, a need to sustain the existing community within this parish as an area, and sites outside of the Lyminster and Crossbush Parish are unlikely to provide reasonable alternatives in this case.
48. Whilst I respect the Council's view that a larger area should be considered as part of the Sequential Test, I do not find that a larger area which unjustifiably includes some areas and excludes others, is a sensible or robust way in which to make the assessment required under the Sequential Test in this case.
49. Accordingly, I find that in this instance as the decision-maker, the appropriate area of search, based on the development type proposed and relevant spatial policies, is the Lyminster and Crossbush Parish area. This is the area that the Appellant's flood risk evidence has considered. In such circumstances, the evidence before me demonstrates that the Sequential Test, as set out in the Framework at Paragraphs 170 to 177, and the Guidance, has been passed in this case. This is because the evidence has demonstrated that there are no other reasonable alternatives within the appropriate area of search.

#### *Exception Test*

50. Having found that the proposal passes the Sequential Test process, it is now necessary to consider the Exception Test. Paragraph 178 of the Framework sets out that:

*To pass the exception test it should be demonstrated that:*

*a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and*

*b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.*

51. The main parties agreed that were the Exception Test to be applied, that part b) is demonstrated. Given the evidence before me, in terms of flood risk, existing and planned flood defences and Standard of Protection, and the surface water measures proposed, I see no reason to disagree with that common ground.
52. In terms of part a) of Paragraph 178, the Council directed me at the Hearing to the national Guidance, where it refers to a local regeneration scheme as being an example of an exception. The Council's view was that the proposal did not represent such a scheme. After further discussion, the Council agreed with the Appellant that, given that the proposal would use brownfield land, it could be considered to demonstrate compliance with part a).
53. I find that the proposal would not only reuse what is currently an unused brownfield site, but that it would provide residential dwellings when there is a national housing crisis, and housing that would feature sustainable measures such as electric charging points, biodiversity benefits, and solar power generation, in addition to being located in what is in transport terms is a residential site that has reasonably good connectivity to both other towns and cities.
54. I also note that the proposal would enable the restoration of the Grade II Listed Building in the form of the Engine Shed, which would enable future generations to appreciate the historic use of the building and the site's historic relationship with the adjacent railway network. In such circumstances, I consider that the proposal would provide wider sustainability benefits to the community that outweigh the flood risk.
55. Accordingly, for the reasons given above, I find that the Exception Test, as set out in Paragraphs 178 and 179 of the Framework, is passed in this instance. For similar reasons the proposal would accord with Policy W DM2 and SD SP1 of the LP insofar as they relate to flood risk matters and the need for the Sequential and Exception tests to be undertaken. It would also comply with the requirements of LCNP Policy EH3 which reflect similar aims to those stated above.

### **Surface water flooding**

56. The Flood Risk Management Team at the LLFA, West Sussex County Council, indicated on 25 February 2025, that following the updated Drainage Strategy Report their previous concerns relating to the fourth Reason for Refusal (surface water drainage) was now adequately addressed, subject to the imposition of three suggested conditions. This was agreed by the main parties to no longer being a matter of dispute between them. I see no reason to disagree on the basis of the submitted evidence and the ability to reasonably impose conditions in respect of surface water drainage.
57. Accordingly, I find that the proposal would accord with Policy W DM3 of the LP and Policy EH3(a and b) of the LCNP, which, amongst other aims, seek to incorporate Sustainable Urban Drainage Systems (SUDS) and reduce surface water flooding.

### **Affordable housing**

58. Policy AH SP2 of the LP indicates that all developments of eleven residential units or more will require a minimum of them to be 30% affordable housing. Where the 30% is not viable then a reduction in the amount of affordable housing on site or off-site provision may be considered. The Policy goes on to indicate that affordable housing on a site less than 30% will only normally be allowed in very exceptional circumstances if supported by robust evidence including where appropriate viability evidence.
59. In this case, the Appellant submitted a document called *Development Viability Report for a development at land to rear of Arundel Station, Arundel* by Landspeed Development Consultancy Limited, dated November 2023. In summary, this concluded that the development did not generate enough surplus over the Benchmark Land Value to fund affordable housing on the site. In part, this is because of the costs involved in restoring / converting the Grade II listed building known as the Engine Shed.
60. The day before the Hearing opened (3 March 2025), the Council submitted a document which reviewed the Appellant's viability report. This concluded saying:
- 'Therefore, our appraisal, whilst showing a considerably less negative outcome than the submitted appraisal (and indicating that in our view the viability was likely understated), supports the view that the scheme proposal does not show scope to provide a contribution to affordable housing.'*<sup>13'</sup>
61. I appreciate that, as detailed in both reports, viability assessments are not an exact science. However, both appear to be based upon industry standards and reflect pragmatic and logical approaches. I therefore see no reason to disagree with their overall conclusions.
62. Whilst noting the aims of Policy AH AP2 to secure affordable housing, the circumstances in this specific case are that the provision of affordable housing on the site is not possible within the parameters of the proposed scheme. The evidence submitted in respect of viability in this case is robust; having been independently checked by a third party organisation. As such, I find that the very exceptional circumstances that Policy AH SP2 of the LP requires to be met are in this instance.
63. Accordingly, I find that whilst the proposal does not provide any affordable housing on- or off-site, this is justified by the specific evidence provided in this case, and therefore the proposal would accord with Policy AH SP2 of the LP.

### **Parking**

64. Parking standards are set out in the Local Planning Authority's *Parking Standards Supplementary Planning Document (January 2020)* (herein Parking SPD). This indicates that the proposal should provide a total of 60 spaces for 13 1-bed apartments, 14 2-bed apartments and visitor spaces. At the Hearing, the Council confirmed that with the Travel Plan now secured by the submitted unilateral under s106 TCPA, the requirement would be for 60 spaces, less 10% because there is a Travel Plan secured, meaning a provision of 54 spaces would be required.

---

<sup>13</sup> Review of Applicant Submitted Viability Position, dated February 2025 (DSP24419V), Page 25, para 4.1.6

65. The submitted drawings indicate that there would be provision for 42 spaces on the appeal site. This means that there would be a shortfall of around 12 spaces. The Appellant explained that the shortfall would arise in terms of visitor parking spaces and not residential parking spaces. They also pointed to the fact that adjacent to the site there is a large car park serving Arundel Railway Station, in addition to links to railway and bus services.
66. There was debate at the Hearing in terms of the status of the Parking SPD; especially given the lack of reference in Policy T SP1 and T DM1 of the LP to a Parking SPD and instead reference to the adoption of a Design Guide SPD. In particular, it was suggested that due to the chronology of adoption the Parking SPD and how it may be construed so as to create 'new' policy, it had the potential to be unlawful. Whilst I note these observations from the Appellant, it is not necessarily within my remit to determine the lawfulness of documents that are put before me.
67. In any case, this point is somewhat moot insofar as Policy GA3 of the recently made LCNP, which by definition forms a part of the development plan, indicates that the Council will support proposals only if they include the maximum level of off-street parking consistent with the 'most current standards'. No alternative standards have been put before me. I have, therefore, proceeded on the basis that the Parking SPD reflects the 'most current standards' in relation to Policy GA3 of the LCNP.
68. Policy GA3 goes on to indicate that site specific assessments of parking for new developments are required, and that a number of characteristics which should be taken into account. These include the location of the site as well as accessibility for travel via alternatives to the private car. To that end, the Appellant has submitted a Travel Statement which incorporates such considerations.
69. Accordingly, I find that the proposal makes adequate provision in respect of proposed parking provision in this case. That is because 42 spaces would be provided within the development itself for occupiers. The shortfall arises from visitor parking spaces not being provided. However, there is a large car park adjacent to the site where visitors arriving by motor vehicle could park should they require parking to visit friends or family at the proposed development.
70. This is a realistic proposition given that the adopted highways in the immediate vicinity are subject to parking controls through the use of double yellow lines for example. There is also a legitimate expectation that parking within the appeal site will be managed in a similar fashion to ensure that Network Rail access at the southern end of the site remains unhindered and for the general amenity of future occupiers. Added to this, there are a number of alternate public transport options within a short distance of the site that visitors would have access to; including trains, buses, and taxis, for example.
71. As such, I find that the proposal would accord with Policy T SP1 and T DM1 of the LP and Policy GA3 of the LCNP, as supported by the Parking SPD, which seek the aforesaid aims.

### ***Public open space***

72. Policy OSR DM1 of the LP sets out that in some parts of the District open space provision is identified as being sufficient in terms of quantity. It does not

specifically indicate where this is so, nor has any evidence to that end been provided to me. At the Hearing, I note that the Council explained that it sought the provision of Public Open Space (POS) on the site as the proposal includes the provision of 27 new residential dwellings. This is because the calculation within the *Open Spaces January 2020 Supplementary Planning Document*<sup>14</sup> (herein Open Spaces SPD) suggests that in the region of 1901sqm of POS should be provided, and only 331sqm is provided on site.

73. However, even though the site does not provide an area of POS that achieves the level sought by the Open Spaces SPD, it is unclear as to why such a provision is sought in this case. The Policy, when read plainly, does not require specific provision on site and I have not been directed to any specific policy or guidance which indicates that the area in which the site is located has an under-provision of POS; whether in terms of quality or quantity.
74. Furthermore, the facts on the ground, informed by my site inspection, are that there are areas of POS provided within close proximity to the appeal site. This includes the Lido at Arundel, parks and gardens, riverside walks, and Public Rights of Way. There is also the South Downs National Park located on the other side of the A27, which can be easily accessed either via the underpass by the railway station, or across the A27 highway.
75. Accordingly, it has not been demonstrated that there is a deficit of POS available to future occupiers which requires that an area of at least 1901sqm should be provided for on site. Nor have I been provided with any detailed evidence which demonstrates that future occupiers of the proposal would not have ready access to a variety of public open spaces such as the South Downs National Park, the Arundel Lido, Mill Road Playground, the Lawn Tennis Club, Football Club, or riverside walks along the River Arun – all of which are located a short distance from the appeal site. Nor is there any indication that facilities such as these locally suffer from any deficit requiring some form of off-site contribution from the appeal site.
76. As such, I find that the proposal would accord with Policy OSR DM1 of the LP, which sets out, amongst other aims, that the provision of new open space is not deemed necessary but what is needed is to seek contributions for quality improvements and/or new offsite provision in order to address future demand.

### ***Heritage Assets***

77. Building A, the Engine Shed (also referred to as the goods shed) is a Grade II listed building dating from around 1863. The significance of the building, as identified by the Council's Conservation Officer and the Appellant's *Heritage Impact Assessment* (dated August 2023) derives from its evidential value in relation to the advent of the railway in the 19<sup>th</sup> Century and in particular the London, Brighton and South Coast Railway (LB&SCR) line. The design of its goods sheds are considered to exhibit a greater architectural quality than those of other lines. In particular here, is the fact that the building forms part of a culminating series of two storey goods sheds offering upper level space on this line, for which Arundel is the only extant example. Therefore the significance of this heritage asset derives from both its architectural and historical interest.

---

<sup>14</sup> Appendix H of the Council's Statement of Case

78. In terms of its setting, I concur with that suggested by the Council's Conservation Officer<sup>15</sup>, where the setting includes the appeal site, and also the railway station (and car park), platforms and the railway line itself. All of these can be seen from the appeal site. Moreover, given the proximity of the building to the railway station and line, people are able to appreciate kinetic, aural, and visual relationships in the setting arising from train movements on the railway line and related public announcements, and the former use of the Engine Shed listed building as railway infrastructure. It is from factors such as these that the significance of the listed building, and its setting, derives.
79. Similar to the findings of the Council's Heritage Expert, I find that the proposed buildings would have, at worse, a neutral impact on the setting of the listed building in the form of the Engine Shed. By extension, I do not find that the proposal would result in any harm to the setting of other nearby heritage assets including the Grade II\* listed building Prior Farmhouse (located beyond the eastern side of the railway line) nor Arundel Railway Station, which the Council considers is a non-designated heritage asset.
80. The proposal would see the conversion of the Engine Shed to residential use, and enable its current, less than perfect, physical state<sup>16</sup> to be improved. It would also bring what is currently an unused building back into a viable use, whilst retaining many of its historical and architectural features. These are features which would, therefore, be preserved for future generations to understand the evolution of the railway within this area.
81. Whilst the change of use to residential use would involve internal alterations, which are mainly considered under the related listed building consent appeal, these would not result in harm to the significance of the listed building. This is because its former use and proximity to the railway would still be legible to visitors, and how the building is experienced (whether visually or aurally through its former railway use) would in many respects be retained. It would also demonstrate how the use of buildings evolve over time as their former use becomes redundant and they are put to new uses, first as a good shed, then as a goods store for a builders merchant, and now for residential use as proposed.
82. Accordingly, in exercising the duties under s66(1) of the PLBCAA, I find that the proposal would preserve the special interest of the building and its setting. As such, it would accord with Policies HER SP1 and HER DM1 of the LP which, amongst other aims, seek to ensure that listed buildings and their settings are conserved and enhanced in a manner appropriate to their significance.
83. For similar reasons, and giving great weight to the asset's conservation, the proposal would accord with the Policies set out in the Framework at Section 16: Conserving and enhancing the historic environment, including Paragraphs 207, 208, 210, and 212.
84. I note that reference has been made to the term 'enabling development' which is referred to in Paragraph 221 of the Framework. However, it was made clear at the Hearing by the Appellant that they were not relying upon the development being required in order to secure the future conservation of a heritage asset where it departs from the development plan policies. This is

---

<sup>15</sup> See Principal Conservation Officer consultation response, dated 14 February 2024, in relation to the related listed building consent application ref LY/12/23/L.

<sup>16</sup> As identified in the letter/email dated 14 July 2023 provided McCarey Simmonds Consulting Civil & Structural Engineers.

because they took the view that the proposal was acceptable on the basis of it not being 'enabling development'. I see no reason to disagree with that approach, and have dealt with the application not as 'enabling development' within the typical understanding of the operation of Paragraph 221 of the Framework. Although I am cognisant with the fact that the lack of affordable housing being provided is related to the viability of the restoration of the listed building.

### ***Travel Plan and monitoring fee***

85. The Appellant as submitted a completed unilateral undertaking – dated 25 February 2025 -under s106 of the TCPA. Put simply, this secures the submission of a Travel Plan, monies to for its monitoring and the appointment of a Travel Plan Coordinator.
86. West Sussex County Council submitted a CIL Justification paper, dated 29 November 2024. This indicates that a Travel Plan should be secured under Paragraph 113<sup>17</sup> of the Framework as it would result in 'significant amounts of movement'. I see no reason to disagree with that position, and neither main party has sought to dispute this. I also note that Policy T SP1 of the LP indicates that the Council will support transport and development which is supported by a Transport Assessment and Travel Plan.
87. I therefore find that the submitted legal agreement, in the form of a unilateral undertaking, and the obligations secured by it are necessary to make the development acceptable in planning terms, directly relate to the development for 27 proposed residential units, and fairly and reasonably related in scale and kind to the development. As such, I find the that planning obligations would meet the tests of Paragraph 58 of the Framework. For similar reasons, they would also comply with the requirements of the CIL Regulations, including those set out at *Community Infrastructure Levy Regulations 2010*.
88. Furthermore, in securing a Travel Plan through this mechanism, together with the submitted Transport Statement, dated August 2023, I find that the proposal would accord with Policy T SP1 of the LP which seeks the aforesaid aims.

### **Other Matters**

#### ***Housing Land supply***

89. At the Hearing, the main parties agreed that the Housing Land Supply position in the Arun District was around 3.41 years. This was on the basis of the Council's January 2023-2024 Annual Monitoring Report. Therefore, what is sometimes referred to as the 'tilted balance' set out in Paragraph 11 of the Framework, is engaged.

#### ***Appropriate Assessment***

90. The appeal site is located within the Arun Valley Special Protection Area (SPA) Zone 2. The Conservation Objectives for the constituent SSSIs of the Arun Valley SPA is to maintain, in favourable condition, the habitat for the populations of species of European importance, with particular reference to fen,

---

<sup>17</sup> Previously Paragraph 113 of the Framework under the pre- December 2024 update and the January 2025 amended versions.

marsh and swamp; lowland neutral grassland; standing open water and canals and wet woodland. The species of European importance in this instance is the Bewick Swan.<sup>18</sup>

91. The Competent Authority – in this case the appointed Inspector - must be satisfied that based upon the best available scientific information and in light of any suitable mitigation measures, the proposed scheme will result in no significant adverse effects upon the integrity of the SPA through appropriate measures being established, either alone or in combination with other plans or projects in the area.
92. I note that the site is currently predominantly covered by hard standing and therefore it is unlikely to support wintering Bewick swans as there are limited foraging and roosting habitat on the site. Nonetheless, the likely effects in this case would be related to construction disturbance, habitat alteration, air pollution, and light pollution. These are minor adverse effects. With regard to 'in combination effects', the site is a brownfield site and it is likely to have a low impact on the Arun Valley SPA.
93. In terms of mitigation or enhancements, planning conditions can reasonably be used to control construction hours, ensure the submission of a construction management plan, secure planted boundary landscaping treatments, and to control light pollution and ensure sensitive lighting schemes are used. It is, therefore, possible to mitigate the adverse effects of the proposal.
94. In conclusion on Habitats Regulation Assessment matters, it has been demonstrated that the scheme would not have a likely significant effect, either alone or in-combination on the specific qualifying features of the SPA, including upon the extent and distribution of the foraging zones utilised by Bewick swans associated with Arun Valley SPA. Provided that the mitigation measures outlined that can be secured by planning condition, the proposal would not lead to the deterioration of the structure or function of the natural habitats associated the Arun Valley SPA and its overall integrity. As such, the proposal would not have any residual negative impacts upon the supporting processes on which Bewick swans associated with Arun Valley SPA rely.
95. I am reinforced in this assessment by the representation from Natural England, dated 18 January 2024, which stated that there was NO OBJECTION, as, *'Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites'*.
96. As such, I find that the proposal would comply with Paragraphs 192 to 195 of the Framework which relate to habitats and biodiversity matters.

#### *Interested parties*

97. There have been two representations objecting to the scheme in terms of the lack of affordable housing being provided on site. This includes from Arundel Town Council and the Secretary of the Arundel, Walberton and Barnham Labour Party Branch. However, I have considered this matter in detail above, and find that the lack of affordable housing being provided as part of the appeal scheme on the appeal site is justified on the basis of the evidence before me.

---

<sup>18</sup> This was identified by the Local Planning Authority's *Habitat Regulation Assessment (HRA) Appropriate Assessment Statement*, which was sent to the Planning Inspectorate on 3 March 2025.

98. I note the comments provide by Sussex Police, West Sussex Fire and Rescue Service, Network Rail, and Arun District Council's Private Sector Housing & Public Health team, in terms of providing advice and/or guidance on design matters. In the main these consultee responses pertain to matters beyond planning control or other regulatory regimes. Nonetheless, the Appellant should make any person(s) undertaking works on the site of the requirements or guidance provided. Of note more specifically, the comments from Network Rail – who have an access point to the south of the site and responsibility for the adjacent railway network and associated infrastructure – in relation to ensuring this access remains unhindered and advice on Asset Protection matters, as detailed in their representation dated 8 February 2024.
99. Whether alone or in combination, these representations; whether objections or advice, do not provide justification for the dismissal of the appeal scheme in this case.

### **Conditions**

100. A list of agreed suggested conditions were submitted by the main parties for consideration at the Hearing. These were discussed, and some minor changes to the wording were agreed – for example the omission of 'tail ends'. I have considered the suggested conditions in light of Paragraph 57 of the Framework, and the Guidance in terms of the use of planning conditions.
101. Before considering the suggested conditions, it was highlighted by the Council that there had been no means by which to secure the conversion and other works to the Grade II listed building, the Engine Shed. The Council was concerned that without this being secured, for what is cited as being a development to secure the future of the listed building by the erection of Building B and C and in viability terms this means that affordable housing cannot be provided on the site, there is the risk that the listed building may not be repaired and fall into further disrepair.
102. The Council has not suggested nor put forward at any stage, a clear mechanism by which they consider such outcomes could be achieved such as a legal agreement under s106. A condition was suggested in terms of some form of phasing plan – for example requiring no part of Buildings B or C to be occupied until Building A has been completed. However, I do not consider that such a condition is reasonable in all other respects. This is because there is no clear understanding as to the implications of such a condition to the viability of the scheme in such detail. For example, do Buildings B and C both need to be occupied in order to provide the cash flow to then repair and convert Building A? And if that is the case, what is the timeframe for this? These questions cannot be answered by the evidence before the Hearing.
103. To impose a condition requiring some form of phasing plan for a scheme of 27 residential units would be onerous. It is clear that were planning permission forthcoming, the site could be quickly made ready for construction works to take place. Furthermore, the current state of the Engine Shed is unlikely to improve without some form of investment which the proposal seeks to achieve. Moreover, it would be odd that any developer of the site would want to leave what is an attractive listed building that requires some attention to fall into further disrepair as that would be likely to reduce the attractiveness of Buildings B and C to future occupiers and/or purchasers. Given such circumstances I do not consider that a planning condition being

imposed is necessary or reasonable, and therefore it should not be imposed in this instance.

104. Turning to the list of suggested conditions, conditions requiring the development to be commenced within three years (1), in accordance with the submitted drawings (2), and the submission and approval of materials details (3) are necessary and reasonable to ensure certainty.
105. Conditions requiring the submission of secure cycle parking arrangements (4), the provision of EV charge points for vehicles (6), and the provision of parking spaces in accordance with submitted drawings (19), are necessary and reasonable in order to encourage sustainable modes of transport to and from the site, and in order to ensure sufficient parking is provided on site for the use of future occupiers.
106. Conditions requiring the submission and approval of a Construction Management Plan (5) is necessary in order to minimise disruption to the operation of nearby railway station, the living conditions of nearby residential dwellings, and to minimise any adverse effects on the nearby Arun Valley SPA and South Downs National Park.
107. A condition requiring the details of the proposed locations of fire hydrants (7) is necessary and reasonable to ensure that adequate provision for such services is provided on site in case of a need by the Fire and Rescue Services.
108. A condition requiring the provision of infrastructure on site to allow high speed broadband network for future residents (8) is reasonable in order to ensure that residents have the opportunity to access such networks for work or leisure.
109. A condition requiring details of the proposed biodiversity green roofs (9) is necessary to ensure that development provides the maximum possible provision towards the creation of habitats and areas of biodiversity. For similar reasons, a condition requiring the Biodiversity Enhancement Layout to be submitted and approved (21) is necessary and reasonable in order to enhance habitats within or close to the site.
110. A condition relating to external lighting, in order to minimise disruption to local animal species such as bats and minimise the impact on the dark skies of the National Park (10) is necessary and reasonable in order to ensure the sites biodiversity, for the prevention of crime, and to minimise light spills into areas outside of the site. Similarly, a condition requiring a bat friendly lighting plan (12) is reasonable in order to minimise any disruption to foraging areas or flights, and to accord with the *Wildlife and Countryside Act 1981*, and the *Natural Environment and Rural Communities Act 2006*; including s40 of the latter Act.
111. For similar reasons, conditions requiring the erection of protective fencing as set out in the submitted *Arboricultural Method Statement and Tree Protection Plan* (13) and that all activity should be carried out in accordance with those documents (14) are necessary and reasonable in order to protect existing trees and their root systems in or close to the appeal site.
112. A condition requiring the submission and approval of a detailed landscaping scheme (22) is necessary and reasonable in order to ensure the proposal is

adequacy landscaped and does not detract from the character and appearance of the area.

113. A condition requiring an Energy Statement to be submitted and approved in writing (11) is necessary to ensure that on site renewable energy and reduced energy use is secured on the site to further sustainable development objectives. I have amended this so that non-reflective surfaces only are used insofar as is practicable, in agreement in writing with the Local Planning Authority. This will assist in reducing any light reflection being visible from the local area and the nearby South Downs National Park.
114. Conditions requiring an air quality assessment (15) and a condition in respect of the works being carried out in accordance with the submitted acoustic report (16) are necessary in order to protect the air quality and noise levels of existing residents arising from the proposed development.
115. A condition in relation to contaminated land matters (17) is necessary and reasonable given the previous use of the site, and the need to minimise potential harm to human health.
116. A condition requiring an assessment of the impact of groundborne vibrations from the adjacent railway line (18) is necessary and reasonable in order to minimise the risk of such adversely affecting future occupiers of the proposal. For precision, I have amended the suggested condition so that it requires the assessment to be undertaken, to include details of remedial works if required, to be agreed by the Council and then remedial measures to be implemented and retained as approved.
117. Conditions relating to flood risk measures; such as the height of finished floor levels (20), surface water drainage networks (23), the management and maintenance of a sustainable drainage scheme (24), and an independent survey of the completed surface water drainage system (25), are reasonable and necessary in order to minimise the risk of flooding from various sources to human life and possessions, and to ensure that flood risk is reduced to a safe level for the lifetime of the development.

### **The overall planning balance**

118. The starting point for determination of planning applications is s38(6) of the *Planning and Compulsory Purchase Act 2004*, as amended, (PCPA). In this respect, the proposal would technically breach adopted planning policies SD SP2, C SP1 of the LP and Policies EH1 of the LCNP as it lies outside of the BUAB. It would also result in a minor adverse effect on the surrounding landscape character and a minor adverse effect on visual amenity.
119. However, the proposal would; involve the positive redevelopment of a brownfield site that is generally self-contained in landscape terms, further the purposes of the South Downs National Park, pass the Sequential and Exception Tests and be safe for its lifetime and not lead to increased flood risk elsewhere, would not result in unmanaged surface water flooding, has been demonstrated that because of its viability it does not need to provide affordable housing in this case, that parking levels accord with relevant policy and standards, that there is not a recognised deficit in POS provision in the vicinity of the site, that there would be no harm to either the listed building,

its setting or the setting of other nearby heritage assets, and that the Travel Plan being secured by a unilateral undertaking is acceptable.

120. It would, therefore, accord with Policies W DM2, W DM3, AH SP2, T SP1, T DM1, OSR DM1, HER SP1, HER DM1, and SD SP1 of the LP and Policies EH3, EH3 (a and b), and GA3 of the LCNP.
121. For the reasons given in this decision, I find that the proposal would accord with the adopted development plan when considered as a whole – including the LP and the LCNP. Furthermore, there are no material considerations that indicate a decision otherwise than in accordance with the adopted development plan.
122. However, turning to material considerations for clarity, it is agreed between the main parties that Paragraph 11 of the Framework is engaged as the Council is currently unable to demonstrate a five year supply of deliverable housing sites. In this respect, I have not found that the proposal would engage Footnote 7 of the Framework, as the scheme would pass the Sequential and Exception Tests, not result in harm to heritage assets, and not adversely affect the setting of the National Park, and/or habitats sites. Furthermore, none of these provide strong reasons for refusing the development proposed in this case.
123. The benefits of the scheme include, but are not limited to, the provision of housing in an area where there has been a historic under provision against identified needs, the regeneration of a brownfield site that is located reasonably close to various sustainable transport modes, the creation of jobs during the building phase of the project and ongoing maintenance, and the restoration of the Grade II Listed Building on the site.
124. Accordingly, in applying Paragraph 11 d) of the Framework, I find that in the application of policies in the Framework they do not provide strong reasons for refusing the development proposed (i.). Furthermore, any adverse effects of granting permission (such as the minor adverse effects noted above) would not significantly and demonstrably outweigh the benefits (ii.). As such, when considering the Framework as a whole, I find that this points to the grant of planning permission in this case.
125. As such, whether through accordance with the adopted development plan or taking into account material considerations, I find that the proposed development is acceptable in respect of s38(6) PCPA, and should therefore be granted planning permission.

## **Conclusion**

126. For the reasons given above, I conclude that the appeal should be allowed.

*C Parker*

INSPECTOR

## **APPEARANCES**

### **FOR THE APPELLANT:**

*Scott Stemp*

Counsel, instructed by Susan Leeson

*Susan Leeson*, BSc(Hons) M.Phil (TP)

Planning Consultant

*Mark Nicholls*

Appellant, Birchside Development Ltd

*Euan Clark*, BA(HHons) BArch MA RIBA ARB

Architect

*Phil Russell*, ONC HNC CIHT

Transport Consultant

*Mark Sanderson*, BA (Hons) MA IHBC

Heritage Consultant

*Keith Miller*, BA (Hons), MALA, CMLI

Landscape Consultant

*Michael Duff*, Beng(Hons) CEng MICE

Drainage Consultant

*Peter Griffiths*, CIHCM Level 4 Diploma Housing

Viability Consultant

*Richard Moores*, MNAEA

Land and Marketing Consultant

*Anita Gardner*, BSc (Hons) BTP

Smith Simmons & Partners

### **FOR THE LOCAL PLANNING AUTHORITY:**

*Amber Willard*, MRTPI

Principal Planning Officer

*Simon Davis*

Principal Planning Officer

### **INTERESTED PERSONS:**

Two members of the public attended the Hearing to observe proceedings.

## Schedule of Conditions imposed – 3354570

|    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. | The development hereby permitted shall be begun before the expiration of three years from the date of this permission.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 2. | <p>The development hereby approved shall be carried out in accordance with the following approved documents:</p> <p>22046 2.01 B - Location and Block Plan</p> <p>2204 2.02 D - Proposed Master Plan</p> <p>2204 2.03C - Building A Proposed General Arrangements</p> <p>22046 2.04 D - Building A Proposed Elevations</p> <p>22046 2.05 B - Building B Proposed General Arrangements</p> <p>22046 2.06 A - Building B Proposed Elevations</p> <p>220146 2.07 B - Building C Proposed General Arrangements</p> <p>22046 2.08 B - Building C Proposed Second Floor</p> <p>22046 2.09 A - Building C Proposed Elevations</p> <p>22046 2.10 A - Building C2 Proposed Elevations</p> <p>22046 2.11 - Sectional Elevation</p> <p>22046 2.13 A - Waste and Parking</p> <p>22046 2.14 A - Sustainability</p> <p>22046 2.15 - Part M compliance layout</p> <p>22046 2.19 Typical section through Engine Shed</p> <p>LLD2689-LAN-DWG-010 Illustrative Landscape Masterplan</p> <p>Arboricultural method statement – AR/91/23/AMS</p> <p>Tree Protection Plan AR/91/23/TPP</p> <p>Flood risk assessment (ref 02, 27 October 2024)</p> <p>Transport Statement – 6550 August 2023</p> <p>Drainage Strategy Report – October 2024 Rev C</p> |
| 3. | No development above damp-proof course (DPC) level shall take place unless and until a schedule of materials and finishes (including rainwater goods) to be used for external walls and roofs of the proposed buildings have been submitted to and approved by the Local Planning Authority. The materials so approved shall be used in the construction of the buildings hereby approved.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 4. | No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority. Thereafter, the                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |

|    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|    | agreed covered and secure cycle parking spaces shall be provided and retained as approved.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 5. | <p>No development shall commence 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:</p> <ul style="list-style-type: none"> <li>a) An indicative programme for carrying out of the works;</li> <li>b) Details of the arrangements for public engagement / consultation both prior to and continued liaison during the construction works;</li> <li>c) Measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method of piling for foundations, the careful selection of plant and machinery and use of noise mitigation barrier(s), to be in accordance with BS5228:2009;</li> <li>d) Details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination;</li> <li>e) The parking of vehicles of site operatives and visitors;</li> <li>f) Loading and unloading of plant and materials, including permitted times for deliveries;</li> <li>g) Storage of plant and materials used in constructing the development;</li> <li>h) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;</li> <li>i) 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 Regulations Orders);</li> <li>j) A dust management plan produced in accordance with the Institute of Air Quality Management (IAQM) 'Assessment of dust from demolition and construction (2014);</li> <li>k) A scheme for recycling / disposing of waste resulting from demolition and construction works i.e. no burning permitted;</li> <li>l) Pest control; and,</li> <li>m) Details of hours and days of the week of operations or works on, and deliveries from/to, the site.</li> </ul> |
| 6. | <p>Prior to the occupation of any part of the buildings, electric vehicle charge points to serve the proposed parking spaces shall be provided. This should be no less than EV charging points serving 30% of parking spaces (rising to 50% from 2028</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

|    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|    | and 100% from 2033) with electric ducting provided to all other spaces and to provide passive provision for these spaces to be upgraded in future. The electric vehicle charge points shall thereafter be retained and maintained in good working condition.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 7. | <p>No development above damp-proof course (DPC) level shall take place unless and until details of the proposed location of the required fire hydrants have been submitted to and approved in writing by the Local Planning Authority, in consultation with West Sussex County Council's Fire and Rescue Service.</p> <p>Prior to the first occupation of any dwelling forming part of the proposed development the installed fire hydrants shall be installed in the approved location in accordance with standards and connected to an appropriate and adequate water supply.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 8. | <p>Prior to the occupation of any part of the development, infrastructure shall be provided to allow for the provision of the highest available headline speed of broadband provision to future occupants of all of the development from a site-wide network provided as part of the initial highway works and in the construction of frontage thresholds to buildings that abut the highway.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 9. | <p>Details of the proposed biodiversity green roofs shall be submitted to and approved in writing by the Local Planning Authority prior to any development above damp-proof course (DPC) level. The biodiversity roofs shall conform to the following:</p> <ol style="list-style-type: none"> <li>1. Intensive green roof or vegetation over the structure with a substrate minimum settled depth of 150mm, or</li> <li>2. Extensive green roof with substrate of minimum settled depth of 80mm (or 60mm beneath a vegetation blanket) - meeting the requirements of GRO Code 2014,</li> <li>3. Laid out in accordance with roof plans; hereby approved; and,</li> <li>4. Planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works (focused on minimum 75% wildflower planting, and no more than a maximum of 25% sedum coverage).</li> </ol> <p>The biodiversity roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used by people in the case of essential</p> |

|     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|-----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|     | <p>maintenance or repair or escape in case of emergency. The biodiversity roofs shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 10. | <p>No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The scheme should seek to conform with the recommendations within BS5489:1-2013, in order to minimise potential impacts to any bats using the trees, hedgerows and buildings, and seek to protect and/or maintain the dark skies in the nearby South Downs National Park through minimising potential impacts (including impacts to its International Dark Night Skies Reserve status), 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.</p>                                                                                                                                                                                                                                                                                                                                |
| 11. | <p>No development above damp proof course (DPC) level shall take place unless and until details and a timetable in the form of an Energy Statement (including details of physical works on site, sustainable construction methods, energy conservation and energy efficiency measures and renewable energy sources), have been submitted to and approved in writing by the Local Planning Authority. 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 NPPF) unless it can be demonstrated that a fabric-first approach would achieve an equivalent energy saving. If any solar PV or thermal panels (or similar such technologies requiring the use of external surface areas) are to be installed to achieve the objectives of the agreed Energy Statement (or achieve general sustainability benefits), they shall be of a non-reflective material, insofar as practicable as agreed in writing with the Local Planning Authority. The development shall be implemented in accordance with the approved details and timetable and retained as operational thereafter.</p> |
| 12. | <p>Notwithstanding condition 10, prior to any part of the new development being first occupied, a bat friendly Lighting Plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter lighting shall be installed and retained as approved.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

|     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|-----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 13. | No development including levels changes (apart from any survey works required by other conditions) shall take place and no heavy plant shall be introduced to the site, unless and until written confirmation (supported by photographic evidence) is provided by an Arboricultural Expert representing the site owner(s) that all protective fencing has been erected and positioned as described and illustrated in the approved Arboricultural Method Statement and Tree Protection Plan, AR/91/23/TPP, Gale Tree Consultancy, August 2023.                                                                                                                                                                                                                                                    |
| 14. | All activity at the site is to be carried out in strict accordance with the submitted:- Arboricultural Method Statement, AR/91/23/AMS, Gale Tree Consultancy, August 2023.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 15. | Prior to any works commencing, an air quality assessment must be submitted to and approved in writing by the Local Planning Authority. The applicant must follow the <i>Air Quality and Emissions Mitigation Guidance for Sussex (2020)</i> : <a href="http://www.sussex-air.net/Reports/SussexAQGuidanceV.12020.pdf">www.sussex-air.net/Reports/SussexAQGuidanceV.12020.pdf</a> (or any subsequent or equivalent guidance adopted or agreed to be used by the Local Planning Authority). The assessment shall include full details of the measures necessary to mitigate the emissions calculated by the assessment.                                                                                                                                                                             |
| 16. | The development hereby approved shall not be occupied until all the works which form part of the scheme for protecting the proposed development from noise as set out in the ' <i>Acoustic South East: Environmental Noise Impact Assessment</i> ', Report Ref. J3423 Dated 11 October 2023' Section 7 ' <i>Required Sound Insulation of Building Envelope</i> ' have been completed. The approved scheme shall be thereafter permanently retained and maintained in good working order.                                                                                                                                                                                                                                                                                                          |
| 17. | <p>Prior to commencement of the development hereby approved 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:</p> <ol style="list-style-type: none"> <li>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; potentially unacceptable risks arising from contamination at the site.</li> <li>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.</li> </ol> |

|     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|-----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|     | <p>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.</p> <p>4 A Verification Report providing details of the data that will be 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.</p> <p>Note: Any changes to these components, (1) to (4) require the express written consent of the Local Planning Authority.</p> <p><b>Verification</b></p> <p>The scheme shall be implemented as approved above and, prior to commencement of any construction work, a Verification Report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of that remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. The report shall also include a long-term monitoring and maintenance plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification report, and for the reporting of this in writing to the Local Planning Authority.</p> |
| 18. | <p>Prior to any development above damp-proof course (DPC) level, an assessment of the potential impact of the groundborne vibration from the adjacent railway line shall be undertaken.</p> <p>The assessment shall be carried out in accordance with the method and rating system as detailed in BS 6472-1:2008 (and/or any subsequent replacement standard).</p> <p>The results of that assessment, including details of any remedial works required to minimise such impacts, shall be submitted and agreed in writing by the Local Planning Authority.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |

|     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|-----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|     | Thereafter, if any remedial works are required, as detailed in the approved assessment, these shall be installed prior to occupation of the residential units proposed and subsequently retained.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 19. | No part of the development shall be first occupied until the vehicle parking spaces have been constructed in accordance with 'Waste Storage and Parking Provision Plan 2.13 Rev A. Thereafter, the vehicle parking spaces shall be retained and available for the parking of vehicles.                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 20. | <p>The development shall be carried out in accordance with the submitted flood risk assessment (ref 02, 27 October 2024) and the following mitigation measures it details:</p> <ul style="list-style-type: none"> <li>• Finished floor levels of building A (Engine Shed) shall be set no lower than 3.75 metres above Ordnance Datum (AOD)</li> <li>• Finished floor levels of buildings B and C shall be set no lower than 4.3 metres above Ordnance Datum (AOD)</li> </ul>                                                                                                                                                                                                                                                               |
| 21. | <p>Prior to any development above damp-proof course (DPC) level, a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Ecological Impact Assessment, Ecology Solutions November 2023, shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>The enhancement measures shall be implemented in accordance with the approved details prior to first occupation of any part of the development and all features shall be retained in that manner thereafter.</p>                                                                                                                                                                    |
| 22. | <p>No development above damp-proof course (DPC) level shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme including details of hard and soft landscaping.</p> <p>Landscape details will be required to be submitted in plan form detailing species choice, quantities, planting densities and size at time of planting.</p> <p>The approved details of the landscaping shall be carried out in the first planting and seeding season, following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of development, die, are removed or</p> |

|     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|-----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|     | <p>become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 23. | <p>Prior to the commencement of development, construction drawings of the surface water drainage network, associated sustainable drainage components and flow control mechanisms and a construction method statement shall be submitted and agreed in writing by the Local Planning Authority. The scheme shall demonstrate that the residual risk from pump failure is adequately contained on site via passive measures for a 24-hour failure, ensuring the surface water run off does not leave the site uncontrolled nor increase the risk of flooding to the site or surrounding area.</p> <p>The scheme shall then be constructed as per the agreed drawings, method statement, Flood Risk Assessment (ref 02, 27 October 2024) and Drainage Strategy Report by AKT II Ltd, 11.10.2024, revision C and remain in perpetuity for the lifetime of the development.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 24. | <p>The development hereby approved shall not be first occupied until details of the maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority.</p> <p>The drainage scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity.</p> <p>The Local Planning Authority, or their nominated agents, shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include:</p> <ul style="list-style-type: none"> <li>i. a timetable for its implementation,</li> <li>ii. details of SuDS features and connecting drainage structures and maintenance requirement for each aspect,</li> <li>iii. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime. The management and maintenance plan shall include who will be responsible for maintaining the pumping station.</li> </ul> |

- |     |                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|-----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 25. | Upon completion of the surface water drainage system, including any SuDS features, and prior to the first occupation of the development; a survey and report from an independent surveyor shall be submitted to and approved in writing by the Local Planning Authority. The survey and report shall demonstrate that the surface water drainage system has been constructed in accordance with the details approved pursuant to Condition 23. |
|-----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

**\*\*\* END OF CONDITIONS \*\*\***