

Recommendation Report for Approval of Reserved Matters Following Outline Approval

REF NO:	BE/113/17/RES
LOCATION:	Land West of New Barn Lane Bersted
PROPOSAL:	Approval of reserved matters following outline consent BE/18/17/PL for appearance, landscaping, layout & scale for a mix of up to 90No. residential units, associated open space, landscaping, access & car parking

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
SITE AREA	3.72HA
TOPOGRAPHY	Predominantly flat.
TREES	There are four trees within the vicinity of the proposed access. T1 - Elder, T3 - Silver Birch, T2 Common Oak and T4 Sycamore. The Sycamore is proposed to be removed. A Tree Preservation Order (TPO) is in place (TPO/BE/1/16) which covers the Common Oak and the Silver Birch.
SITE CHARACTERISTICS	The application site form part of a field that has been granted planning permission for 90 residential units. The field is located to the west of Bersted where the nearby housing to the west of Chichester Road is suburban in character, Mainly 1950's and 1960's single and two storey housing, often with open plan front gardens.

RELEVANT SITE HISTORY

BE/116/17/DOC	Application for approval of details reserved by condition imposed under BE/18/17/PL relating to condition 7- arrangements for future access & maintenance of any watercourses or culvert crossings.	
BE/18/17/PL	Variation of condition 3 for approved plans & 23 for vehicular access imposed under BE/142/15/OUT. This application is a Departure from the Development Plan.	App Cond with S106 05-05-17
BE/189/16/PL	Variation of conditions 3 & 23 imposed under BE/142/15/OUT relating to approved plans.	Withdrawn 26-06-17

BE/93/16/PL	Construction of new vehicular/pedestrian/cycle route onto New Barn Lane for residential purposes	Withdrawn 26-06-17
BE/142/15/OUT	Outline application with some matters reserved for a mix of up to 90 No. residential units, associated open space, landscaping, access & car parking. This application is a Departure from the Development Plan.	App Cond with S106 24-02-16

The application for 90 dwellings was granted planning permission for outline planning consent in February 2016 (BE/142/15/OUT). This application proposed Access A along New Barn Lane PROW. This was followed by an application to provide a separate access (Access B) to the north of Access A. This application BE/18/17/PL has been approved and the reserved matters application is subsequent to that approval.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bersted Parish Council

No Objection

Comment - Plots 1 & 2 are not in keeping with Bersted Neighbourhood Plan policy HDQ2 Integration of new housing, even though permission for 2 storey dwellings at this location has been granted via BE/18/17/PL. The Parish Council would ask that the developer considers changing plots 1 & 2 to bungalows so that they blend better with the surrounding area and are not so over-bearing on the existing bungalows opposite. The site generally has a good mix of housing to meet the needs of Bersted.

4 representations have been received objecting to the proposal. The following is a summary of the points made.

- Flood risk
- Dangerous access
- Concern regarding foul drainage
- Properties fronting New Barn Lane should be bungalows
- Overlooking

Church Commissioners for England - supportive in principle

·Welcome the spur road leading south via the proposed substation. It would benefit from being widened to 5.5m with pavements either side of 2.0m width consistent with the Manual for Streets 2 guidance. This would link both developments to one access point.

COMMENTS ON REPRESENTATIONS RECEIVED:

The Comments are noted and considered in the assessment below.

CONSULTATIONS

Highways England
WSCC Strategic Planning
Natural England
Surface Water Drainage Team
Environmental Health
Parks and Landscapes
Planning and Housing Strategy
Sussex Police-Community Safety
Engineering Services Manager
Engineers (Drainage)
NHS Coastal West Sussex CCG
Arboriculturist

CONSULTATION RESPONSES RECEIVED:

WSCC Planning Services - Advice/ Modification

It is unclear if highway adoption is to be offered. The Local Highway Authority will review the acceptability of materials and features within the proposed adoptable highway as part of any application for adoption.

The widths are considered suitable for the intended function of the roads when viewed against the guidance of Manual for Streets. There are also a mix of segregated carriageway and footways along with shared surfaces. Again, the extents of the proposed areas are considered acceptable.

The 1 metre wide footways should be widened to 1.5 metres. Where it is not possible to achieve a 1.5 metre width, the footway should be widened as much as possible (ideally to a minimum of 1.2 metres). Margins would be required to accommodate services along both sides of shared surface areas. The provision of service margins would be reviewed as part of any highway adoption agreement.

Car parking is stated as being in accordance with the WSCC Parking Demand Calculator. Confirmation would be sought that garages meet the minimum internal dimensions of 6 by 3 metres to allow these to be counted as spaces.

The Planning Authority should liaise with the waste collection team to ensure that the arrangements for refuse collection are appropriate.

Engineers (Drainage) - The detailed drainage design will be considered on submission of a DOC application.

The applicant should ensure that there is a minimum 3metres from the top of the ditch bank to boundary fences etc. The applicant should provide a dimensioned plan to confirm that this has been achieved along the entire length of the ditches. This aspect is also covered by a condition.

Highways England - No objection

Sussex Police - No major concerns but make the following comments.

Due to the layout of the garages, the chances of unauthorised access via the gate to the back garden is increased due to the recessed location of each gate and each gate must be lockable.

There should be lighting in the parking court containing parking bays 29-33 and parking court containing bays 43-46 and 61-66. Lighting throughout the development should conform to BS 5489:2013.

The hedging between the Locally Equipped Area of Play and the swale should be increased in length to provide a dense barrier between them to prevent children running through or around the ends.

The secure cycle stores should have PIR lighting installed internally and the front doors should be lockable.

Where the cycle stores have double doors, a door closer is to be fitted along with spring loaded automatic shoot bolts to the unlocked door to ensure it closes first. This would work well for the refuse stores as well. Sheffield hoop style cycle stands should be of galvanised steel bar construction of at least 3mm thickness.

Footpaths should be at least 3m wide where space permits.

Natural England - No Objection subject to appropriate mitigation being secured.

The site is within 5km of the Pagham SPA and Ramsar site. Without appropriate mitigation the application would have a significant effect through recreational disturbance on Pagham Harbour SPA and Ramsar site in combination with other proposals in the area. An appropriate contribution should be made to the Pagham Harbour strategic access and monitoring project (SAMM) for wardening, dog project, signage and interpretation, and monitoring.

If the development is carried out in strict accordance with the details of the application, it will not damage the interest features for which the Pagham harbour SSSI has been notified.

Further advice on protected species and natural environment issues is provided.

Tree Officer - Objection

There are 2 TPO'd trees at the proposed entrance and their tree root protection areas are compromised by the layout due to overlapping with footpaths and roads.

There are other trees on the site of merit which should be protected by TPO - trees 59, 60 and 70 on the survey sheets. TPO recommended.

The current layout compromises the health and vitality of the TPO'd trees. The layout needs to be revised to remove all intrusions into their RPAs.

The applicant will need to submit an Arboricultural Method Statement in support of the layout to explain how the retained trees on the site will be fully respected and protected, particularly in relation to the new boundary fencing.

Greenspace - Objection

The play areas LEAP and 2 x LAP are now sited very close to a detailed swale/water body. We would require clarification of the proximity of these to this drainage facility also to the depth of this indicated swale? The previously submitted detail indicated the main basin depth of 500mm, with 1000mm to the basin ditch only. The levels now shown would appear to indicate that this is now proposed to be significantly deeper than this with steeply angled sides? Please confirm the proposed levels of the swale, site sections sheet 2 16-1103-006. Further comments provided seeking clarification on the soft landscape management plan. Having reviewed supplementary plans detailing the swale feature, objection still maintained in relation to the safety of the feature in close proximity to play areas and lack of clarity about whether it is a pond or a swale.

COMMENTS ON CONSULTATION RESPONSES:

Further information has been provided detailing the depth of the swale feature.

POLICY CONTEXT

Designation applicable to site:

DEVELOPMENT PLAN POLICES

[Arun District Local Plan \(2003\):](#)

GEN7	The Form of New Development
GEN8	Development and the Provision of Infrastructure
GEN14	Public Transport
GEN15	Cycling and Walking
GEN28	Trees and Woodlands
GEN33	Light Pollution

Publication Version of the Local Plan (October 2014):

D SP1 Design
ENV DM4 Protection of Trees

<u>Bersted Neighbourhood Plan 2014 Policy ES1</u>	Design of new development
Bersted Neighbourhood Plan 2014 Policy ES7	Development outside of the Built Up Area Boundary
Bersted Neighbourhood Plan 2014 Policy CLW4	Provision of Allotments
Bersted Neighbourhood Plan 2014 Policy ES2	Surface water management
Bersted Neighbourhood Plan 2014 Policy HDQ2	Integration of new housing
Bersted Neighbourhood Plan 2014 Policy HDQ4	Housing mix
Bersted Neighbourhood Plan 2014 Policy HDQ5	Design of new housing development
Bersted Neighbourhood Plan 2014 Policy HDQ6	Outdoor space
Bersted Neighbourhood Plan 2014 Policy HDQ7	Attention to detail
Bersted Neighbourhood Plan 2014 Policy HDQ8	Car parking

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

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

Arun District Council's Development Plans:

A new local plan is in preparation and is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015. The Examination into the submitted plan was commenced but is currently suspended whilst Arun District Council addresses matters raised by the Inspector. A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these is taking place 10 April 2017 to 5pm on Tuesday 30 May 2017. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification may also be material consideration to take into account. The examination into the proposed Plan modifications took place in September 2017.

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

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Kingston; Littlehampton; Rustington; Walbarton; Yapton. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

Whilst an NDP is under preparation it will be afforded limited weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

Policies contained in the Bersted Neighbourhood Development Plan have been considered in the preparation of this report.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

The council cannot demonstrate a 5-year housing land supply at present and therefore the need for housing, and the presumption in favour of sustainable development is a material consideration.

The NPPF provides a presumption in favour of sustainable development. The application must be assessed as to whether the benefits of the development outweigh any adverse impacts. This is addressed in the body of the report.

Supreme Court Ruling dated 10th May 2017 on the application of Paragraph 49 and 14 of the NPPF as it relates to lack of a 5-year housing land supply.

The Local Plan Sub-Committee decision in December 2016, followed by the Full Council decision that the Council would invite planning applications on sites identified as being 'deliverable' by the HELAA where they are considered sustainable and will not prejudice the emerging local plan and / or infrastructure delivery.

The emerging Local Plan (eLP) is a material consideration but can only be given very limited weight.

CONCLUSIONS

PRINCIPLE

The principle of the development of this site has been established in the decision to approve the outline planning application (BE/142/15/OUT and BE/18/17/PL) for 90 houses. There can therefore be no objection in terms of the location of the site outside of the built-up area boundary (the BUAB). The key issues to be considered are ones of detail and relate to the layout, design, appearance and landscaping on the site.

ASSESSMENT

It should be noted that the applicant has amended the scheme during the process of this reserved matters application and it is the revised proposal that is being considered. The amendments to the submitted scheme include the removal of a garage at the entrance to the site adjoining Plot 10 and amendments to the public open space; together with a revision to the LEAP and the submission of additional technical details, including information on individual items of play equipment and widening of the southern access road and footpaths.

The site has outline planning permission and the proposed housing provision is in accordance with the Councils requirements and the Planning Obligation. The Councils Housing Strategy & Enabling Manager has raised no objection and considers the proposed quantum and location of the affordable housing to be suitable, in accordance with policy DEV17 of the Arun District Local Plan and the Interim Affordable Housing Statement.

SCALE AND BUILDING HEIGHTS

There are currently a mix of two storey dwellings on part of New Barn Lane and to the east of the frontage, the existing properties are single storey. This was reflected in the indicative design for the proposal at outline stage and has been taken through to the reserved matters application. There is a considerable distance between the existing and proposed development given the landscapes area and swale that will be included in the proposed layout. The layout with a range of building heights is appropriate in this locale. It is noted that the development includes a variety of single storey units to the frontage, a mix of two storey dwellings and 2 storey flatted development. The Parish Council has suggested that Units 1 and 2 should also be single storey but it is considered that two storey units fit with the proposed street scene in this location and form part of the entrance to the site.

The layout is in line with the indicative layout submitted with the outline application and while there are objections on the location of two storey dwellings these are in keeping with the existing layout and cause no amenity or design issues, and the development design is in accordance with GEN7.

The site itself for the most part enjoys good separation from surrounding development and good screening from nearby residential development. The development reflects the surrounding built form.

SITE LAYOUT AND CHARACTER

BNP policy HDQ2 requires new housing to be well connected with the surrounding area and visually integrated with their surrounding. The layout has been designed in a manner which provides for open

space, SuDS, and the play areas. The open space is also provided within the site and is readily accessible from the new dwellings. There is also good surveillance of open space from dwellings due to the layout. Greenspace were consulted pre-application and agreed with the design and equipment provided, however they have raised an objection due to the amendment of the detention ponds as this may impact useable POS as they see it. Detention ponds form part of open space calculations and the level of open space is as approved at outline, which was approved. Therefore the objection is not supported.

The main access route is going to be 'Access B' and is positioned to ensure the existing TPO trees are retained. The layout has a single access point to the development and a circular route around the development with parking courts and lanes off the main loop. This is as set out in the indicative layout. The main access route will have a generally spacious appearance, with gaps between dwellings and landscape planting. The layout is generally inward looking, rather than providing a new street frontage onto New Barn Lane, however, this is considered preferable as it allows retention of the trees along the boundary and provides a greater degree of separation from the existing properties. The site connects with the existing roads at the access point, providing vehicular and pedestrian connections to existing development, combined with ensuring continued access to the PROW to the south of the site. This accords with policy HDQ2 of the BNP.

It is considered that the approved and proposed amended layout reflects the guidance in the NPPF, in respect of the need to create a high standard of environment for residents, which is also reflected in the requirements of the Adopted and Emerging Arun District Local Plans and that the current application for the approval of reserved matters accords with policy GEN7 of the Arun District Local Plan and policy D DM1 in the emerging Local Plan.

DESIGN AND FORM OF BUILDINGS

BNP policy HDQ5 requires new housing to be of high quality and designed to reflect the local character. Policy HDQ7 requires attention to detail to be considered early in the design process to ensure integration of bin stores, recycling facilities, cycle stores, meter boxes, lighting, flues and ventilation ducts, satellite dishes and telephone lines, and gutters and pipes.

The proposed building designs and use of materials are considered to sympathetically respond to its location. The development will have its own distinctive character and quality, whilst at the same time reflecting the local vernacular where a mix of 2 storey and single storey brick and concrete tile is used.

The applicant has proposed a series of dwelling types of mixed design and materials. The main street frontage would be a number of flint faced properties with frontages on to New Barn Lane.

The buildings will have traditional elements of roof forms, with punctuating design details which reflect the local vernacular. A consistent pallet of materials would be utilised and this would result in a consistent character overall. The elevation detailing (window styles, front door styles, garage doors, porches and projecting bay roofs) would be kept within a limited design range to ensure cohesiveness. The rainwater goods would be black pvc and individual dwellings have refuse storage points and dedicated bin collection points.

In conclusion, it is considered that the amended layout demonstrates a sensitive and acceptable approach to design in compliance with BNP policies HDQ5 and HDQ7.

EMERGING DWELLING SPACE STANDARDS

The Council's emerging internal space standards are under review. House types do however comply with National Space Standards.

In terms of the emerging external space standards private gardens all meet the minimum required depth of 10 metres so provide sufficient and suitable private outdoor amenity space. Larger dwellings generally have larger back gardens throughout the site. Garden areas are in excess of the required minimum areas and are therefore satisfactory.

PARKING AND HIGHWAY ISSUES

Parking provision for the proposed dwellings is in accordance with Council approved Parking Standards for the size of dwellings proposed. Visitor parking is proposed throughout the development. Cycle storage is proposed either in a on dwelling garage or in a secure cycle storage building within the garden. The apartment buildings have parking courtyards which are overlooked to provide natural surveillance. Garages have a minimum of 3.0m x6.0m internal space which meets the WSCC requirements for the garage to be counted as a parking space. Overall 186 allocated parking spaces would be provided which accords with the WSCC parking calculator and exceeds the two spaces per dwelling set out in policy HDQ8 of the BNP. In addition, 25 unallocated spaces are also proposed which is also in accordance with the calculator.

The main access road has a width of 5.0m within the site (5.5m at the entrance to the site). The footways within the site are all in excess of 1.2m and most are either 1.5m or 2m in width. The western boundary internal access road has been designed with a 4.1m width and 0.9m 'over-runnable margin' to accommodate refuse vehicles. The design of the carriageway to ensure a softer appearance to the edge of the site which overlooks countryside. Swept path analysis has been carried out which confirms that the internal street layout can make sufficient provision for service and emergency vehicles. Overall, the proposal accords with policies GEN7 and GEN12 of the Local Plan as it allows for the safe movement of pedestrians and vehicles, and provides sufficient parking for residents and visitors and storage for cycles.

LANDSCAPING

Condition 17 of the outline permission requires that the landscaping details to be submitted with the reserved matters application should include a landscape management plan. A Soft Landscape Management and Maintenance Plan has been submitted which sets out the responsibilities of the proposed management company in relation to the maintenance and care of the soft landscaping across the site. Whilst it is recognised that this information has been provided with this application, the details provided need further clarification. The S106 Agreement also requires details of management and maintenance provisions and it is not considered that the details provided with the application provide sufficient detail in relation to the S106 provision. Therefore, the submitted details are not discharged as part of this application and will need to be submitted as a separate discharge of conditions application.

The applicant has submitted detailed landscaping plans, including a landscape scheme. The landscaping includes the retention of the existing boundary and the enhancement of this area with additional planting and complementary new features including a LEAP and pocket of green spaces. In respect of existing trees, these are retained and protected where possible and the proposed new planting within the development is to be considerable and will provide for a good quality residential environment. Where possible existing trees and habitats have been protected and the measures proposed for their retention, protection and enhancement; and additional landscaping is being proposed to mitigate any potential loss of habitat. The detail and species choice set out in the soft landscape proposals are considered suitable for purpose in species choice, density and size at time of planting.

TREES

An Arboricultural Impact Assessment and Method Statement (August 2017) has been submitted which sets out the tree works required and methods for protection of remaining trees. This document is required in order to discharge conditions 9 and 10 of BE/18/17/PL and will need to be submitted as part of a separate discharge of conditions application. However, for the purposes of this application the

document demonstrates that the proposed layout can be achieved without harm to protected trees.

The location of the revised site access is between mature trees. T1 - an Elder; T3 a Silver Birch; and T4 a Sycamore (the Silver Birch is subject to a TPO). The Sycamore, T4, is proposed for removal as the proposed pavement would need to be installed in close proximity to the stem base, with the root protection area of the tree and it is not possible to use a no-dig method due to the levels differences. A new tree would be planted in the vicinity to replace the lost tree.

T1: C Category elder - This tree is a poor species and was shown for removal for development purposes on the Preliminary AIA which forms part of the now consented proposals. However, it is shown on the Tree Protection Plan (LIN21257-03A) as being retained.

T3: B Category silver birch (TPO): - The bell mouth encroaches slightly into the RPA and pre-emptive root pruning is recommended to minimise root damage. The footpath through the RPA will need to be of No-Dig construction. The canopy height is currently 1m and some minor facilitative pruning will be necessary.

T2: The Common Oak (TPO): The footpath shown through the RPA must also be No-Dig. It must not extend closer than 0.5 m towards the tree. This tree is also outside the application boundary. To summarise trees; T2 and T3 would be retained and protected in line with BS5837:2012 as long as No-Dig construction is used for the paths. T4 still needs to be removed for development purposes.

The Oak is unaffected by this proposal as it is outside the application boundary. The Silver Birch will require, as stated above root pruning and a no-dig path construction. This has implications for the Silver Birch and potential damage from having the tree located in a narrow parcel of land between the edge of the highway and the proposed footpath/cycleway. However, it is considered that adequate protection can be provided through the measures set out in the AIA and Method Statement and shown on the Tree Protection Plan to ensure that the proposal accords with policy GEN28 of the Arun Local Plan and policy ES6 of the BNP.

DRAINAGE

The BNP (policy ES2) and GEN 9 of the ALP require new development to reduce the risk of flooding through provision of sustainable urban drainage systems (SuDS). A drainage plan has been submitted which show the properties draining to a new surface water sewer which subsequently drains to an attenuation tank, and then to the ditch network. The southern sewers will drain into an attenuation basin in the centre of the open space area. Full details of the surface water drainage scheme and the maintenance and management of the SuDS system are required under conditions 5 and 6 of the outline permission. ADC Engineers have commented that there appears to be reasonable open space areas to accommodate storage structures/ facilities but that the detailed design needs would be considered through the discharge of condition process. The integration of drainage measures into the open space and the associated opportunities this will provide in terms of ecological enhancement are to be welcomed. The principles of the drainage scheme for the current reserved matters application have been agreed with the developer but not the details. In relation to Greenspace concerns over the proposed drainage swale within the open space, the applicant has confirmed that the normal condition of the pond would be that it would be empty of water. The depth of the water during a winter storm would be approximately 650mm deep, which would drain over 48 hours. As it is not a permanent wetland feature, this is considered acceptable. An informative is recommended to ensure that the play areas are RoSPA assessed to ensure their safety. Further detail on the maintenance of this feature should be included in the Soft Landscape Management Plan under Condition 17 of the outline permission.

Overall, the principle of the drainage strategy proposed is considered to meet the requirements of policies ES2 of the BNP and GEN9 of the ALP, notwithstanding that the detail will need to be submitted

and approved to discharge Conditions 5 and 6 of the outline permission. Condition 7 of the outline application required details of the access and maintenance of watercourses to be submitted and approved by the LPA before the development layout is finalised. The information submitted for the discharge of condition 7 is satisfactory and shows that at least 3m is available to allow access to existing ditches for maintenance purposes.

In relation to foul drainage, the houses would drain via gravity to new foul sewers located within the carriageway. The full details of foul drainage are required under Condition 14 of the outline application.

RENEWABLE ENERGY

Condition 20 of the outline permission BE/18/17/PL required details and a timetable of how at least 10% of the energy supply of the development shall be secured from decentralised and renewable or low carbon sources or equivalent fabric first standards that would secure a 10% reduction in energy use. This is to ensure high levels of energy efficiency in accordance with the NPPF. An Energy Statement has been submitted with the application in meet this condition. This sets out that a 7.74% reduction can be achieved through 'fabric first' measures (e.g. improvements in insulation, passive design measures) The Statement then assesses how the remaining 2.26% can be achieved through low carbon and renewable energy systems. The conclusion is that solar photovoltaics could be installed in order to meet the 10% overall reduction. Plots 85 -88 are indicated as the suitable locations for the panels. The submitted Energy Statement is considered to discharge the requirements under Condition 20 of the outline permission BE/18/17/PL.

ECOLOGY

Condition 15 of the outline permission requires details of an ecological enhancement scheme to be submitted for approval. An Ecological Enhancement Strategy has been submitted as part of this application but will be considered when it is submitted in order to discharge condition 15 of the outline permission.

CONCLUSION

The reserved matters application as amended - seeking approval for appearance, scale, layout and landscaping - which proposes small layout changes to the configuration of development on the site, but retains the quantum of housing development, is acceptable and in accordance with the development plan.

It is considered that the development of the site would result in a good quality scheme which seeks as far as possible to integrate itself with the settlement of Bersted and reflects the local vernacular. It is therefore recommended that this application for reserved matters is approved.

HUMAN RIGHTS ACT

Human Rights Act:

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

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

be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby approved shall be carried out in accordance with the following approved drawings and submitted material:

Planning Drawings:

Location Plan (ref: 16-1103-001)

Site Plan Planning Layout (ref: 16-1103-005 Rev A)

Site Plan Planning Layout Coloured (ref: 16-1103-006 Rev A)

Site Plan Planning Layout Massing and Active Frontage (ref: 16-1103-007 Rev A)

Site Plan Planning Layout Refuse Strategy (ref: 16-1103-008 Rev A)

Site Plan Planning Layout Parking and Cycle Storage Information (ref: 16-1103-009 Rev A)

House Type Drawings (ref: 16-1103-010 to 16-1103-057)

Site Sections and Street Scenes Sheet 1 (ref: 16-1103-065 Rev A)

Site Sections and Street Scenes Sheet 2 (ref: 16-1103-066 Rev A)

Garages Floor Plans and Elevations Sheet 1 (ref: 16-1103-070 Rev A)

Garages Floor Plans and Elevations Sheet 2 (ref: 16-1103-071)

Boundary Wall and Fence details (ref: 16-1103-075)

Soft Landscape Proposals (ref: LIN21257 11C Sheets 1 to 6)

Hard Landscape Proposals (ref: LIN21257 12C Sheets 1 to 6)

Combined Landscape Proposals (ref: LIN21257 13 Sheets 1 and 2)

Play Area Proposal (ref: LIN21257 20B Sheets 1 and 2)

Open Space Proposals (ref: LIN21257 21A)

Tree Reference Plan (ref: LIN21257 01)

Tree Protection Plan (ref: LIN21257 03A)

Lighting Strategy Layout (ref: 5529-P05B)

Levels Strategy layout (ref: 5529-P03D)

Levels Strategy layout (ref: 5529-P04D)

Longitudinal Sections (ref: 5529-P10)

Pond Section plan (ref: 5529-P11)

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

- 2 No dwelling shall be occupied until the parking spaces, turning facilities and garages for that dwelling shown on the approved plans have been provided and constructed for the dwelling to which they relate. The areas of land so provided shall not thereafter be used for any purpose

other than the parking, turning and garaging of vehicles.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in accordance with policy GEN7 of the Arun District Local Plan

- 3 Notwithstanding the provisions of Class A, A.1, (g) within Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting this Order) no rear extensions to the dwelling houses shall be erected within the curtilage of the dwellings hereby permitted unless planning permission is first granted by the Local Planning Authority on an application in that behalf.

Reason: To safeguard the privacy and amenity of adjoining occupiers, maintain adequate amenity space and safeguard the cohesive appearance of the development in accordance with policy GEN7 of the Arun District Local Plan.

- 4 Any construction related pruning works are to be completed under supervision of the Local Authority tree officer. Pruning works must meet the BS 3998: 2010 Standards.

Reason: In the interests of the trees continued health and vitality and to accord with current industry guidelines and sound arboricultural practice and in the interests of amenity and the environment in accordance with policies GEN7 and GEN28 of the Arun District Local Plan.

- 5 Prior to commencement of development a Bin Collection Strategy Plan shall be submitted to and be approved by the Local Planning Authority. The dwelling(s) to which the Bin Collection Points relate shall not be occupied until the bin collection points for those dwellings have been provided in accordance with the details so approved.

Reason: To ensure that adequate and satisfactory provision is made for the storage and collection of bins in accordance with policy GEN7 of the Arun District Local Plan.

- 6 INFORMATIVE: This decision has been granted in conjunction with a Section 106 Agreement relating to the following -

30% Affordable Housing
Open Space and Amenity Space
Landscape Management Plan
Highway Works
Financial Contributions in respect of:
- Highway Works
- Fire and Rescue
- Libraries
- Education
- National Health Service

- 7 INFORMATIVE: The Applicant is advised to consult with the Waste Collection Authority prior to undertaking the swept path analysis exercise in relation to bin collection points to ensure the design vehicle used for the tracking reflects that used locally.

- 8 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.

- 9 INFORMATIVE: This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the

2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0845 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.

- 10 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015 - The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 11 INFORMATIVE: Due to the proximity of the LEAP to an occasional water body then the developer should have the Play area(s) RoSPA assessed. The applicant should indicate connection from gates to pathways by means of footpath - only one footpath is indicated.