

Recommendation Report for Outline Consent

REF NO:	BE/148/20/OUT
LOCATION:	Nursery Fields Land to the North of Chalcraft Lane West Bersted PO21 5TS
PROPOSAL:	Outline application with all matters, except for site access, reserved for the development of up to 225 residential units with associated infrastructure, open space and vehicular and pedestrian access. This application affects a Public Right of Way.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Outline application with all matters, except for site access, reserved for the development of up to 225 residential units with associated infrastructure, open space and vehicular and pedestrian access. Land Use, Building Heights, Phasing and Green Infrastructure Parameter Plans have been provided with the application. These indicate the general siting and quantum of different land uses, maximum building heights, the general siting, quantum and type of green infrastructure, connections and density/timescales for the phases of development. An Illustrative Masterplan for the site has also been provided but this is an indicative layout only and detailed layout (along with scale, external appearance and landscaping) is a reserved matter. The site access proposed under this application would serve both the Chalcraft Nursery scheme (approved under BE/81/20/OUT) and the Nursery Fields application site.
SITE AREA	13.46 hectares.
RESIDENTIAL DENSITY	DEVELOPMENT 16.6 dph.
TOPOGRAPHY	The southern third of the site is predominantly flat with levels varying by only about 0.5m. The northern two thirds of the site gently slope northwards with levels varying by up to 2.5m between the bottom and top parts of this section. There are ditches bordering the three parcels of land.
TREES	The site consists three parcels of land which are bounded by hedgerows and trees. There are provisional Tree Preservation Orders (TPOs) on a number of these trees as follows;

T1 Oak on southern boundary with Chalcroft Nurseries site
 Cluster of Oaks (T2, T3, T4) on edge of PRow 136
 T5 Ash on eastern boundary of western parcel
 T6 Oak in northern corner of western parcel
 T7, T8 and T9 along eastern boundary of site

There are also two provisional TPOs on the adjacent site, Chalcroft Nurseries, as follows:

T1 Pedunculate Oak on northern boundary with Nursery Fields
 T2 Pedunculate Oak on western boundary with Nursery Fields

BOUNDARY TREATMENT

Bounded by trees, hedgerows, ditches and some post and wire fencing.

SITE CHARACTERISTICS

Site comprises three parcels of agricultural land known as 'Nursery Fields', which are bounded by trees, hedgerows, ditches and some post and wire fencing, and has existing agricultural access from Tara Perry Close. Part of the site comprises Grade 2 Best and Most Versatile agricultural land. There are a number of provisional TPOs on and adjoining the site. PRow 136 path passes through the centre of the site, and joins with PRow 134 and 137 to the west. The site experiences winter ground water flooding and is within Flood Zone 1 (low risk). The site is within an Archaeological Notification Area for an Iron Age, Roman and Medieval Settlement Site at Bersted. The site borders and wraps around the north and west of the Chalcroft Nurseries (horticultural nursery) site, and is located to the west of Chalcraft Lane, Bersted. The site is within the Built-Up Area Boundary, and forms part of a wider strategic allocation, West of Bersted SD3, which was allocated in the Arun Local Plan for at least 2,500 new dwellings, education, healthcare, community and commercial uses, and open space.

CHARACTER OF LOCALITY

The site is located to the west of Bersted, on the northern outskirts of Bognor Regis. The land to the immediate north, west and south west of the site is agricultural in nature. To the immediate north is a parcel of land off New Barn Lane which has planning permission for 99 dwellings (refs. BE/29/19/PL & BE/37/19/PL) and is currently under construction by developers, Linden Homes. A further site for 50 dwellings is under construction by Bellway (BE/77/16/OUT, BE/40/18/PL and BE/103/19/RES) on the north-eastern boundary of the site. Also located to the north is an area of playing fields known as Jubilee Recreation Ground and Bersted Community Centre off Tara Perry Close. Chalcroft Nurseries (horticultural nursery) is located to the immediate southeast of the site. The southern boundary of the site is bounded by Chalcraft Lane Cemetery. Land to the east and south east is largely residential in nature. Residential dwellings and a Care Home are located immediately to the east of the site along Chalcraft Lane and Tara Perry Close. The wider area to the south and east of the site is built up in nature. Bognor Regis town centre and railway station are located approximately 2km to the

southeast of the site. The nearest statutory designation to the site is the Bognor Reef Site of Special Scientific Interest (SSSI) located approximately 2km to the south of the site. The Solent and Dorset Coast Special Protection Area (SPA) is also located approximately 2km to the south of the site. The Pagham Harbour Ramsar/SPA/SSSI is located approximately 5km to the southwest of the site.

BE/81/20/OUT - Chalcraft Nursery site

Outline application with all matters, except for access, reserved for the development of up to 20 residential dwellings, 2,240 sqm of commercial space (Use Class A1, B1(b) B1(c) and B8), landscaping, access, parking and associated infrastructure.

Approved

23/03/2021

REPRESENTATIONS

Bersted Parish Council - objection.

- Traffic generation. The submitted Transport Statement acknowledges the existing pressures on junctions and that as direct consequence of the proposed development these pressures will increase. No measures of mitigation for increased traffic on Chalcraft Lane are included with this application. A future relief road is proposed for the wider site but this will not help the current situation.

- Comments provided as follows: new cycle route to Bognor Regis via Chalcraft Lane and West Meads Drive should be considered, Southern Waters' response regarding current lack of sewage network capacity give the PC grave concerns and these issues must be addressed before any works would start on site.

33 objections were received (including from West Meads Residents Association and Bognor Regis Regeneration Board) summarised as follows:

- Loss of green open space, used for walking, cycling and horse riding.
- Loss of best agricultural farm land.
- Loss of Green Belt.

- Overdevelopment of housing in area, including at New Barn Lane and Mulberry Fields, area will merge into one large conurbation.
- Insufficient infrastructure. Doctors surgeries, dentists and hospitals in area at capacity, need for access to good healthcare (North Bersted development was meant to provide new doctors surgery, has not done so). Lack of schools in area.
- Erosion of quality of life for local people, breach of Human Rights Act Section 8.
- Already impacts of nearby Pagham development (700+ new homes) on traffic, sewage capacity and flooding problems, lack of healthcare, reduced bus services, lack of work opportunities.

- Highways safety concerns about main site access onto Chalcraft Lane and nearby junctions.
- Safety concerns for pedestrians crossing busy roads.
- Already heavy traffic congestion and queuing in area.
- Concerns relief spine road will not be built until last phase of development, impacts in interim.
- Air and noise pollution from increased traffic congestion.
- Highways England and WSCC Highways must implement and complete all works proposals connected to Pagham Road before the 400th new dwelling is occupied.
- Developers need to pay contributions to increase capacity in high traffic areas, inc. A259 should be upgraded to a dual carriageway.

- Congestion on A259 and local junctions, off-site remedial measures paid for by the developer are required to avoid traffic chaos. Suggest a short stretch of dual carriageway between Northern Relief Road at Rowan Way to join it directly to the A259 to be paid for by developer. Still problem of the Chalcraft Roundabout would remain.
- Serious concerns about delivery of highways infrastructure.
- Site forms part of strategic allocation so application should be treated as such and not in isolation, including in respect of transport assessments submitted and costs for delivery of required mitigation and infrastructure being proportionally split.
- Significant shortcomings in submitted Transport Assessment have been identified.
- No vehicular link shown between the application site and wider site, does not accord with principles of Framework Masterplan.
- Failure to accord with NPPF section 9 with respect to encouraging use of more sustainable modes of transport than the private car i.e. support cycling, storage sheds in back gardens not accessible, cycle routes across site and to and from existing national routes unclear, cycle charging points should be shown.
- History of flooding and drainage issues on site and in area.
- Existing sewer systems already beyond capacity and overloaded.
- If development is to connect to Pagham Waste Water Treatment Works then this treatment facility and foul sewage network must be reinforced and enhanced to meet capacity and certain standards.
- Issue of sewage capacity must be resolved prior to approval of final reserved matters application.
- Serious concerns about untreated foul water being discharged into Pagham Harbour SPA/Ramsar.
- Loss of trees.
- Loss of habitats for wildlife.
- Loss of geese mating/nesting area.
- Failure to safeguard resident bats, protected species.
- Development should be supported by an Environmental Impact Assessment and no decision should be made on the application (except for refusal) unless an Appropriate Assessment has been undertaken.
- Query type of housing proposed i.e. houses or tower blocks.
- Will not provide affordable housing for people on low incomes.
- Limited provision of sustainable energy systems shown in scheme.
- High streets in area are neglected.
- Few job opportunities in local area.
- Unacceptable scheme as conflicts with Development Plan policies H SP1, H SP2, H SP2(a), GI SP1, T SP1, T DM1 and ENV DM2, and no material considerations that indicate a decision which departs from the Development Plan would be appropriate.
- Local Plan is currently under review so 'prematurity' is another reason to refuse the application.
- Lack of public meeting or event to view plans due to Covid-19 lockdown, major scheme being decided under Covid-19 restrictions, undemocratic as it cannot be viewed or discussed in a public nor has it been advertised in a local free paper, nor postal comments allowed to be made.

1 comment of support was received as follows:

- Welcome commitment to sustainable transport methods and local connectivity outlined in the Framework Travel Plan.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted and addressed in Conclusions section of this report.

In addition, Officer comments as follows:

- Loss of Green Belt

Officer comment: the site is not located within the Green Belt, it is a greenfield site, allocated for development (strategic allocation SD3) within the Arun Local Plan.

- Local Plan is currently under review so 'prematurity' is another reason to refuse the application.

Officer comment: Para 48 of the National Planning Policy Framework states that "Local planning authorities may give weight to relevant policies in emerging plans according to:

a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given); b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)." Para 49 of the NPPF states "However in the context of the Framework - and in particular the presumption in favour of sustainable development - arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:

a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and
b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area. The Local Plan review and the preparation of the emerging Local Plan is at very early stages, and given this, the emerging policies are to be given limited weight, and arguments on 'prematurity' would not justify a refusal on these grounds.

- Lack of public meeting or event to view plans due to Covid-19 lockdown, major scheme being decided under Covid-19 restrictions, undemocratic as it cannot be viewed or discussed in a public nor has it been advertised in a local free paper, nor postal comments allowed to be made.

Officer comment: In May 2020 the Town and Country Planning (Development Management Procedure, Listed Buildings and Environmental Impact Assessment) (England) (Coronavirus) (Amendment) Regulations 2020 (Regulations) came into force to supplement the existing statutory publicity arrangements for planning applications. This allowed Local Planning Authorities to have flexibility to publicise applications if they could not discharge the specific requirements for site notices, neighbour notifications or newspaper publicity. In any event, a site notice was placed near the site on 18th December 2020. In addition, a press advert was placed in the West Sussex Gazette on 24th December 2020. The local Town & Parish Councils of Bersted, Pagham and Bognor Regis were sent consultation letters on 14th December 2020. The West of Bersted monthly Advisory Group meeting (which includes local Cllrs and Parish Council representatives) also has opportunity to discuss the scheme. The planning application documents were available for the public to view on the Council website and comments could be made via the website.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

HOUSING STRATEGY & ENABLING MANAGER:

No objection, subject to S106 planning obligation to secure affordable housing provision. The proposals would meet the 30% affordable housing provision requirement (67 dwellings in this case) set out in policy AH SP2. No objection to the proposed bedroom numbers/housing sizes mix. The 75/25% tenure split should be equally applied across the affordable housing types and sizes and this is to be agreed at reserved matters stage. The affordable housing should be pepper-potted throughout the development in clusters no larger than 10 units, and the rent of the social rented units should be set at no more than 90% of Local Housing Allowance Levels inclusive of service charge. The affordable housing provision/requirements should be secured through a Section 106 planning obligation, rather than by planning condition.

CONSERVATION OFFICER:

No objection. No inter-visibility between the 9 heritage assets within 1km of the application site and so would not affect their setting or significance. The setting of Morells Farmhouse (Grade II listed), which is closer to the application site, is predominantly focussed on the front elevation of the building, which is experienced by the approach along the Lower Bognor Road, and the setting also consists the side and rear elevations experienced from within the farmstead itself. The application site appears to be screened by vegetation from the immediate setting of the farmstead and the proposed development would retain planting along the southern and western boundaries which would help to reduce its visibility within the setting of the farmhouse. The mature vegetative screening and the fact that a key part of how the setting of this listed building is experienced is along the Lower Bognor Road or within the curtilage itself, means there is no visual relationship between the listed building and the application site and the application is not considered to cause harm to any heritage assets and their settings.

ARCHAEOLOGICAL ADVISOR:

No objection, subject to planning condition. Agree with the conclusions of the Historic Environment Desk-based Assessment with regard the archaeological potential and significance of the site and its recommendation that the archaeological interest of any remains that are present could be secured by a staged programme of archaeological works. Recommend a planning condition to secure the implementation of a programme of archaeological works in accordance with a written scheme of investigation to be submitted to and approved in writing by the LPA.

HIGHWAYS ENGLAND:

No objection, on the basis that the Council will require a financial contribution towards the agreed scheme of works to the A27 junctions (in line with the Local Plan or other such scheme), the proposals would be acceptable and not materially affect the safety, reliability or operation of the Strategic Road Network (SRN) in this location or its vicinity.

WSCC HIGHWAYS:

No objection, subject to proportional S106 contributions towards the total package of transport infrastructure required for the West Bersted Strategic Allocation (mitigation costs to be assessed against the Local Plan Transport Mitigation Apportionment Study, June 2020).

- The capacity assessments within the TA for the site indicate that the proposed priority junction/site access onto Chalcraft Lane would operate well within theoretical capacity to serve the proposed development on this site and that approved at Chalcraft Nurseries (BE/81/20/OUT).
- Highway capacity impact of West Bersted strategic allocation has been tested by transport modelling undertaken to support the Local Plan (Arun Stage 3 Transport Study, 2017) and mitigation and costs (Apportionment Study June 2020) identified as being necessary to ensure there would not be a severe impact on the road network when the whole development is complete.
- WSCC view is that the submitted TA adequately assesses the potential traffic increases from the development, and when taken as a stand-alone site on its merits, the proposed development would not result in a severe impact on the road network as per para 109 NPPF.
- However, it is accepted that the Arun Stage 3 Transport Study and the recent Apportionment Study are

studies at a strategic level and as such primarily identify improvements required on the primary road network. To support planning applications on the West Bersted site, further Transport Assessments are therefore required. The extent and scope of these TAs will need to reflect the scale of the individual development proposed but will need to account for the over-arching policy requirements covering the allocation within the Local Plan.

- The Local Planning Authority may wish to give consideration to the wider implications of the proposals, in view of the allocations policies H SP2 and H SP2a and the endorsed Masterplan, given the site forms part of the wider strategic allocation. This would then ensure that permitting the current application would not prejudice the delivery of the wider site by cumulatively resulting in severe impacts on the highways network contrary to para 109 of the NPPF. The Council, as determining authority, will need to be satisfied based on the evidence available, that an unacceptable safety or otherwise severe impact on the road network as specified by the NPPF would not result.

- Initially proposed shared cycle/footway along access road and toucan crossing on Chalcraft Lane not required and do not accord with cycling infrastructure design standards LTN 1/20 (these elements have since been omitted from the plans).

WSCC LEAD LOCAL FLOOD AUTHORITY:

Current mapping shows majority of site is at low risk of surface water flooding, with higher risk areas associated with the existing watercourses. Mapping shows site is at high risk of groundwater flooding. Any existing surface water flow paths across the site should be maintained, and mitigation measures proposed for areas at high risk. The Local Authority's Drainage Engineers may wish to review the application with regard to site-specific surface water management and a technical review of drainage systems proposed. Maintenance and management of the SUDs is to be set out in a site-specific maintenance manual to be submitted and approved by the LPA and subsequently implemented in accordance with these plans. Works affecting the flow of an ordinary watercourse will require appropriate consent and an appropriate development-free buffer zone incorporated around it. The LPA should consult the EA if contamination from groundwater flooding within a Source Protection Zone is considered to be a risk.

ADC DRAINAGE ENGINEER:

No objection, subject to conditions. However, although it is recognised surface water drainage is going to rely on restricted discharge to existing watercourses, winter ground water monitoring and infiltration testing should be undertaken, for the entire site and account for other SUDs features e.g. permeable paving and swales, to ensure ground water infiltration is utilised wherever possible. Permeable paving should be specified wherever possible. Recommend conditions and accompanying informatives; full details of surface water drainage scheme (based on winter groundwater monitoring and infiltration testing), details of any discharge flows to and culverting etc. of watercourses, details of the maintenance and management of surface water drainage system, provision of as-built drawings and completion report of the scheme.

SOUTHERN WATER:

No objection, subject to condition. Sewage network reinforcement will be required to serve the new development. Request planning condition to ensure occupation of development is phased to align with delivery by Southern Water of any sewage network reinforcement required so adequate wastewater network capacity is available to drain the development. Request securing details of the proposed scheme of foul and surface water disposal which are to be submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water, prior to commencement of development.

PORTSMOUTH WATER:

No adverse comments to make from a groundwater quality perspective, since the site is located outside a Groundwater Source Protection Zone.

TREE OFFICER:

No objection, subject to details to be submitted at Reserved Matters stage. The principle of development (as shown on Parameter Plan) is achievable without undue detriment to retained on and off site trees. However, advise that any PRowWs should be retained as is or returned to grass, and any upgrades to footway/cycleway must ensure a 2m+ buffer beyond the Root Protection Area of any retained trees. Advise that if PRow 136 is to be upgraded to allow better connectivity through the site then the developers should apply for a formal diversion of this PRow to avoid the important cluster of trees that are the subject of PRow. These matters would need to be satisfactorily addressed at Reserved Matters stage. Planning condition is recommended to secure, prior to commencement of development, an Arboricultural Impact Assessment and Arboricultural Method Statement inclusive of a Tree Protection Plan, defining which trees are to be retained and which trees are to be removed and how it is proposed to protect the retained trees, including the Root Protection Areas and any mitigation for any adverse impacts on tree roots.

LANDSCAPE & GREENSPACE OFFICER:

No objection, subject to details to be submitted at Reserved Matters stage. Imperative existing footpaths through and around site are retained and enhanced within the green infrastructure network where appropriate. 'Viewing mounds' have been indicated on the plans to allow for far-reaching views to the Cathedral City of Chichester and the South Downs National Park, and these features are supported. High quality trees on site will need to be protected and retained as valuable and attractive features within the new development, as should areas of hedgerows and vegetation on and adjoining the site. High quality well-designed Public Open Space will be fundamental to this scheme, and needs to accord with the Council's Open Space SPD (Jan 2020). The illustrative plans show that approximately 60,000sqm of POS will be included, which exceeds the minimum standard set out in the Council's SPD. The formation of three key 'green fingers' reflects the endorsed Masterplan and is supported. Detailed consultation will be required with the Council with regard the childrens' play areas including LAP, LEAP and NEAP features. The potential impact on the location will require landscaping be provided as mitigation towards screening and softening of the development. Consideration of all aspects of green infrastructure both existing and new will be fundamental in the success of the setting creation to these proposals. Further details required at reserved matters stage to include, robust and detailed Landscape Scheme, including replacement tree scheme, reinforced boundary planting strategy and Public Open Space (POS), and a detailed Planting Scheme.

PUBLIC RIGHT OF WAY OFFICER:

Support upgrade of PRow 136 through the site to a cycleway, will provide a useful link. Support upgrade of PRow 134 to a bridleway, rather than just a cycleway. Wider aspiration is to create a bridleway link north west toward Lagness and Chichester, so would welcome financial contributions from this development towards improvements outside the red line site boundary to achieve this wider aspiration for the area.

ECOLOGY OFFICER:

No objection. Ecological Assessment (July & Oct 2020) shows 5 trees on site which could support bat roosting, these must be retained and protected from disturbance, and if not possible, then further Bat Surveys/potential Mitigation Strategy would be required. Hedgerows and trees must be retained for protected species and enhanced for bats, dormice etc. Recommend planning conditions to secure 'buffer strip' and protective fencing around hedges and trees, and infilling hedgerow gaps to improve connectivity. External lighting scheme must take into account impact on bats and should be submitted as part of this application. Prior to works on site, Badger Survey should be undertaken, and if any found on-site, then a Badger Mitigation Strategy submitted to Natural England. EA shows reptiles have been found on-site, and although some mitigation measures have been proposed, a full Reptile Mitigation Strategy is required prior to determination of this application. The Construction Environment Management Plan (CEMP), should include details of precautionary measures regarding protective fencing for hedgerows

and trees and any badger and hedgehog activity. Recommend planning condition to protect wild nesting birds. In line with Local Plan Policy ENV DM5, information on Biodiversity Net Gain (BNG) needs to be provided as part of the planning application prior to determination. While some biodiversity enhancements have been recommended through the Ecological Assessment, further information needs to be provided demonstrating additional enhancements to be included within the scheme and what level of BNG is achieved from these measures. Further to additional BNG information provided in an updated EA (Oct 2020), it is confirmed these ecological enhancements are now suitable and can be secured by condition.

NATURAL ENGLAND:

Response dated 08/01/2021:

The Local Authority may need to check the proposed mitigation measures and any likely significant effects of the development on the designated SPA/Ramsar site through an appropriate assessment. It is a matter for the competent Authority to decide whether an appropriate assessment is necessary. In accordance with the Conservation of Habitats and Species Regulations (2017, as amended), Natural England must be consulted on any appropriate assessment the Authority decide to undertake.

Response dated 25/03/2021:

In respect of the Appropriate Assessment undertaken and the additional information (Ecologist's Briefing Note, Feb 2021) provided in support of the application, concur with the Authority's conclusions about functionally linked land and that recreational disturbance will be mitigated against by financial contributions (SAMM tariff) towards the Pagham Bird Aware scheme. In respect of water quality, refer the LPA to the Local Plan HRA conclusions about water quality and the need to ensure the application follows these conclusions.

WSCC INFRASTRUCTURE TEAM:

Infrastructure costs based on 2,500 dwellings on the wider West Bersted Strategic Allocation site = 9% proportional contribution for application site. * All contributions are to be BCIS index-linked at time of payment.

(Officer note: see full details of infrastructure financial and non-financial requirements set out under Section 106 Details part of this report).

SUSSEX NHS COMMISSIONER:

Financial contribution towards the expansion of the existing off-site healthcare facilities at Grove House Surgery. All contributions are to be BCIS index-linked at time of payment. Without this essential infrastructure, planning permission should not be granted, and WSS CCG would not be able to sustain sufficient and safe services in the area and would therefore have to object to the application.

SUSSEX POLICE:

Financial contribution required towards additional police personnel and vehicles.

WSCC FIRE & RESCUE:

Financial contribution required towards improvements to existing services inc. fire safety equipment and alarms. Request planning conditions to secure fire hydrants on site.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and considered under Conclusions section of this report.

POLICY CONTEXT

Designation applicable to site:

Strategic housing allocation - West of Bersted (SD3)

Built-Up Area Boundary
 Bersted Neighbourhood Plan
 Grade 2 (very good quality) Agricultural Land
 Morells Farmhouse (Grade II listed) to north west of site separated by Morells farmland
 Archaeological Notification Area
 Provisional Tree Protection Orders (TPOs)
 Pagham Harbour Zone B
 CIL Zone 1

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

HSP2	H SP2 Strategic Site Allocations
HSP2A	HSP2a Greater Bognor Regis Urban Area
AHSP2	AH SP2 Affordable Housing
HDM1	H DM1 Housing mix
DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
LANDM1	LAN DM1 Protection of landscape character
HERDM1	HER DM1 Listed Buildings
HERDM3	HER DM3 Conservation Areas
HERDM6	HER DM6 Sites of Archaeological Interest
HERSP1	HER SP1 The Historic Environment
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QEDM3	QE DM3 Air Pollution
QEDM4	QE DM4 Contaminated Land
QESP1	QE SP1 Quality of the Environment
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
INFSP1	INF SP1 Infrastructure provision and implementation
WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WSP1	W SP1 Water
ENVDM1	ENV DM1 Designated Sites of Biodiversity or geographical imp
ENVDM2	ENV DM2 Pagham Harbour
ENVDM5	ENV DM5 Development and biodiversity
ENVSP1	ENV SP1 Natural Environment
ENVDM4	ENV DM4 Protection of trees

[Bersted Neighbourhood Plan 2014 Policy ES1](#)

Design of new development

[Bersted Neighbourhood Plan 2014 Policy ES2](#)

Surface water management

[Bersted Neighbourhood Plan 2014 Policy ES4](#)

Buildings and structures of character

Bersted Neighbourhood Plan 2014 Policy ES5	Building design
Bersted Neighbourhood Plan 2014 Policy ES6	Protection of trees
Bersted Neighbourhood Plan 2014 Policy ES7	Development outside of the Built Up Area Boundary
Bersted Neighbourhood Plan 2014 Policy GA1	Pedestrian and Cycle Connections
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 HDQ7	Attention to detail

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPDG	National Design Guide
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
SPD12	Open Space, Playing Pitches & Indoor & Built Sports Facilities

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, and Made Neighbourhood Development Plans.

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

The South Marine Plan is also a plan to be considered in the determination of applications within Arun District, where relevant.

The policies contained within the Bersted Neighbourhood Plan are relevant in the determination of this planning application.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 70(2) of the Town and Country Planning Act provides that:

(2) In dealing with an application for planning permission the authority shall have regard to:

- (a) the provisions of the development plan, so far as material to the application,
- (a) a post-examination draft neighborhood development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations

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 fail to comply with the Development Plan, for the following reasons: failure to demonstrate there would not be an unacceptable impact on the operation and safety of the highways network, no completed S106 legal agreement to secure infrastructure contributions including self-build/custom-build plots, affordable housing provision or SAMM tariff, and proposals resulting in an adverse effect on the integrity of an Internationally designated conservation site. The application fails to comply with the Development Plan in respect of Arun Local Plan policies H SP2, H SP2a, INF SP1, T SP1, T DM1, AH SP2 and ENV DM5, and Bersted Neighbourhood Plan policy HDQ4.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations (in this case the Council's current lack of a 5 year housing land supply) to be weighed in the balance with the Development Plan, as detailed in the Conclusions section of the report.

CONCLUSIONS

The main issues in the determination of this application are as follows:

- Acceptability of the principle of a residential scheme of up to 225 dwellings on the site.
- Acceptability of the proposed new site access and quantum and type of development in terms of impacts on the capacity, safety and operation of the highways network.
- Whether the proposals for this site support place-making objectives and allow for the entire strategic allocation site to be comprehensively planned and to accord with the endorsed Masterplan.
- Impact of the proposals on the Integrity of a European protected site (Pagham Harbour SPA/Ramsar).
- Whether appropriate consideration has been given to the inclusion of Self-Build, Custom-Build and Gypsy and Traveller areas on the site.
- Required infrastructure provision including affordable housing provision.
- Acceptability of the proposed scheme in respect of drainage, trees, ecology, landscape, visual and residential amenity, and heritage.

PRINCIPLE:

The application proposes the redevelopment of the site referred to as 'Nursery Fields', which consists 3 agricultural land parcels, with up to 225 new dwellings, with associated access, infrastructure and open space.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 makes clear that any determination to be made under the Planning Acts is to be determined in accordance with the policies within the Development Plan unless material considerations indicate otherwise. The "Development Plan" in this instance comprises the Arun Local Plan 2011-2031 (July 2018), the West Sussex Joint Minerals Plan, and the made Bersted Neighbourhood Plan 2014 - 2029 (submission plan with examination modifications).

Policy ES7 of the Bersted Neighbourhood Development Plan (BNDP) states that development outside of the built-up area boundary, as shown in Appendix F, will not be supported. The site is shown as countryside, outside of the built-up area boundary, within the Bersted Neighbourhood Development Plan.

The Arun Local Plan was adopted in July 2018 and post-dates the Bersted Neighbourhood Development Plan which was made in 2014. The Local Plan Proposals Map shows the site as being within the built-up area boundary. Local Plan policy H SP2a allocates land West of Bersted (SD3), of which the site forms

part, as a strategic housing allocation required to deliver at least 2,500 dwellings throughout the Plan period.

In instances where the Local Plan post-dates the Neighbourhood Development Plan and there is conflict in policy, Section 38(5) of the Planning and Compulsory Purchase Act 2004 applies.

Section 38(5) of the Planning and Compulsory Purchase Act 2004 states:

'If to any extent a policy contained in a Development Plan for an area conflicts with another policy in the Development Plan the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan.'

NPPG Paragraph: 099 Reference ID: 41-99-20190509 makes clear that:

'However, when other policies in the development plan are updated, this may mean that existing neighbourhood plan policies become out-of-date, for example where they conflict with a strategic policy or where they are superseded by other local policies. This does not necessarily mean that the whole neighbourhood plan becomes out-of-date, but only those policies which are superseded by other development plan policies.'

As such, as the Local Plan post-dates the Neighbourhood Plan, the conflict between policies ES7 and H SP2(a) is resolved in favour of policy H SP2(a). The provision of up to 225 dwellings on the application site would contribute to the provision of the 2,500 homes on the West of Bersted strategic allocation site, in accordance with Policy H SP2a. Therefore, the development of this site for residential purposes is acceptable in principle, subject to certain criteria being met.

Policy H SP2 (ALP) requires development proposals within the Strategic Site Allocations to be comprehensively planned and have regard to a master plan endorsed by the Council. Policy H SP2 sets out a 17 point criteria (a-q) for the design and infrastructure requirements for Strategic Site allocations. The West of Bersted (WEB) Framework Masterplan was endorsed by the Council in September 2020 and provides high level development principles for the Strategic allocation which have been endorsed by the Council. Policy H SP2a (SD3 - West of Bersted) sets out a 10 point criteria which details key design and infrastructure requirements for that particular Strategic allocation. The following sections in this report consider the proposals against these development criteria and the endorsed Masterplan.

With regard to the loss of agricultural land, whilst the site consists of Grade 2 (very good quality) Agricultural Land, policy SO DM1 in the Arun Local Plan is clear that any form of development not associated with agriculture, horticulture or forestry will not be permitted on Grade 1, 2 and 3a land 'Unless designated by this Plan or a Neighbourhood Development Plan'. Given this site is designated within the Local Plan as a strategic housing allocation, the loss of this agricultural land for residential purposes is acceptable in principle and permissible in accordance with policy SO DM1. However, there is still a need for mitigation measures, including a Soil Resources Plan which demonstrates that care will be taken to preserve the soil resource such that it can be incorporated into a Productive Green Environment, as per the requirements of policy SO DM1. This can be secured by way of a planning condition.

The proposed development has been presented to the West Bersted Advisory Group. The emerging wider highways package required to mitigate the West Bersted strategic allocation development is presently undergoing ongoing discussions with the Advisory Group. These discussions have not yet been concluded, with the scope of the mitigation package subject to County Council modelling having not yet been resolved. Concern has been raised by the Advisory Group at these meetings in respect of the mitigation package required for transport mitigation which is emerging, as of the date of this assessment. The highways specific matters are detailed in the latter sections of this report.

In conclusion, on the basis of Policies H SP2a and H SP1 of the Arun Local Plan, the proposed residential development of the site would be acceptable in principle, subject to a full assessment of its impacts.

AFFORDABLE HOUSING PROVISION:

Policy AH SP2 (ALP) requires 30% of units on sites of 11 units or above to comprise affordable housing. The tenure split of these affordable units should comprise 75% social rented and 25% intermediate housing (i.e. shared ownership). The policy sets out the bedroom numbers/size mix for these affordable units. Policy HDQ4 of the BNDP requires that proposals for new housing must deliver a range of house types and tenures. Applicants will be expected to provide a Bersted-specific dwelling mix and affordable housing strategy with their planning application, clearly demonstrating how the development addresses the needs of current and future households.

The application proposes the provision of 67 affordable units (30%), a tenure split of 75% social rented and 25% intermediate housing, and the following bedroom numbers/size mix:

1 & 2 bed flats = 49%

2 bed houses = 27%

3 bed houses = 24%

The Council's Housing Strategy and Enabling Manager has confirmed that the proposals would meet the 30% affordable housing provision requirement set out in policy AH SP2 and that they have no objection to the proposed bedroom numbers/housing sizes mix. They confirm that the 75/25% tenure split should be equally applied across the affordable housing types and sizes and this is to be agreed at reserved matters stage. They advise the affordable housing should be pepper-potted throughout the development in clusters no larger than 10 units, and the rent of the social rented units should be set at no more than 90% of Local Housing Allowance Levels inclusive of service charge. They confirm that the affordable housing provision/requirements should be secured through a planning obligation in a Section 106 legal agreement, rather than by planning condition. The S106 will include the requirement for an Affordable Housing Scheme to be submitted and agreed with the Council (which will set out the tenure mix and dwelling type of the affordable units).

The applicants have agreed in principle to provide a policy-compliant affordable housing provision on the site via a S106 agreement so the application would be acceptable in this respect if this was to be secured by a S106. However, due to other outstanding matters as set out in this report, at the time of the decision, this S106 has not been concluded and therefore this affordable housing has not been secured at this stage. In the absence of a completed Section 106 legal agreement, the application currently fails to make adequate provision for affordable housing provision, and as such fails to comply with policy AH SP2 of the Arun Local Plan and policy HDQ4 of the Bersted Neighbourhood Development Plan.

SELF-BUILD & CUSTOM BUILD PROVISION:

Arun Local Plan policy H DM1 states 'the Council will particularly encourage the development of self-build homes' on appropriately sized, serviced/or capable of being serviced sites, and that 'such sites can be provided either as part of a development scheme or on an individual basis'. Policy H SP2 which relates to strategic site allocations states that a key requirement is to (p) consider inclusion of an area of the sites for Self-Build and Custom-Build. In addition, Principle SDP 6 of the endorsed Masterplan states "Opportunities should be considered for inclusion of an area of the site for self-build and custom build homes and community led housing such as Community Land Trusts".

Based on the number of persons on the Council's Self-Build Housing Register, this part of the strategic

allocation would need to make a contribution of 5% of its units as being provided for Self-Build/Custom-Build. This provision would need to be secured through a planning obligation in the S106 legal agreement requiring the submission of a site plan denoting the location of the Self-Build plots and a Statement confirming how these will conform with the regulations. The S106 would also place a legal obligation on these units to be retained as such.

The applicants have agreed in principle to provide 5% of the total units on site as self-build plots via a S106 agreement. However, due to other outstanding matters as set out in this report, at the time of the decision, this S106 has not been concluded and therefore the self build has not been secured at this stage. In the absence of a completed S106 legal agreement, the application fails to make adequate provision for Self-Build/Custom-Build plots, and thus fails to accord with policies H DM1 and H SP2 part (p) of the Arun Local Plan and Principle SDP 6 of the endorsed Masterplan.

GYPSY & TRAVELLER PROVISION:

Arun Local Plan policy H SP5 sets out the requirements for Gypsy and Traveller provision within the District. Policy H SP2 which relates to strategic site allocations states that a key requirement is to (q) consider the delivery of an area as a site for Gypsy and Traveller accommodation.

The applicant has provided a statement (letter dated 26/03/21) which gives consideration to the provision of an area on site for Gypsy and Traveller accommodation. Their arguments are based on the fact that policy H SP2a for the West Bersted SD3 allocation does not specifically include a requirement for Gypsy & Traveller provision nor does the endorsed Masterplan for this strategic allocation, that it was not raised as an issue at pre-application, that the Council has not applied this policy requirement to other strategic sites e.g. Pagham, and that the Council's recent G&T sites DPD does not include this site. The Council is of the view that regardless of whether it is stipulated in policy H SP2a, the requirement to consider the delivery of an area as a site for Gypsy and Traveller accommodation is within the over-arching policy for strategic allocations H SP2 and the Development Plan policies are to be considered as a whole, that the issue was raised at pre-application but notwithstanding this it is the applicant's responsibility to submit a policy-compliant scheme, and the Policy team have confirmed that there may still be a short-fall in required provision from the final G&T DPD sites and so there may still be some reliance on some provision being delivered through strategic allocations, and thus potential provision needs to be given due consideration.

Although the arguments provided by the applicant are not considered by Officers to be particularly robust, nor address the specific reasons as to why the site could not make Gypsy and Traveller provision, consideration has been given to this matter, and so the proposals broadly accord with policy H SP2 part (q).

DESIGN:

Whilst detailed design (including layout, scale and external appearance) is a matter to be assessed at Reserved Matters stage, it is appropriate at Outline application stage to assess whether the overall siting, scale and type of development proposed would have an acceptable visual impact in principle in the context of the character of this part of Bersted.

Access routes, land uses, green infrastructure and building heights have been provided in the form of Land Use and Access, Green Infrastructure and Building Heights Parameter Plans.

The proposed site access point onto Chalcraft Lane aligns with the indicative layout shown in the endorsed West Bersted Framework Masterplan (pages 41 and 53). However, the endorsed Framework Masterplan also shows a secondary access route from the Nursery Fields site into the wider strategic site

(page 41). This is clearly shown as a vehicular road between the application site and wider site on page 45 of the endorsed Masterplan. To accord with the endorsed Masterplan, and for the purposes of good place-making and ensuring that the strategic site allocations are comprehensively planned, as required by policy H SP2, a 2-way vehicular link between the application site and wider site would be required. The formation of a full 2-way vehicular and active travel connection would provide greater connectivity and cohesion across the wider site, and would be the most effective means to maximise the sustainable public transport accessibility of the site and thus the uptake by residents and visitors of sustainable transport modes. Furthermore, given that SD3 contains a primary school, and community hubs expected to contain local retail, healthcare, a library and new employment, it is considered a requirement of the overall SD3 allocation that a through bus service is provided to link those important community facilities to the wider Bersted area, and maximise sustainable travel and the attractiveness of these new local facilities. However, on the revised proposed Parameter Plans this north-west bound link is only shown as a pedestrian/cycle route with the vehicular route stopping short of this and not continuing up to the boundary and a revised annotation stating 'Land reserved for potential future vehicular access to wider area' with no vehicular link shown. In addition, the endorsed Masterplan (Figure 7, page 41) shows a second south-west link from the application site into the wider strategic site and this is not shown either on the Parameter Plan. Notwithstanding this, the outline application could in principle be approved without approving the Parameter Plans, and then this matter could be resolved and the vehicular links secured at Reserved Matters stage to accord with the endorsed Masterplan.

The endorsed Framework Masterplan requires the integration and enhancement of existing Public Rights of Way through the strategic allocation to ensure connectivity. Policy H SP2 requires that strategic site allocations (a) integrate... connectivity of transport modes including walking, cycling and public transport. The indicative layouts shown on the Parameter Plans show a high level of pedestrian and cycle connectivity throughout the site and linking to the wider strategic site. The existing Public Rights of Way running along the western boundary of the site (PRoW 134), the south of the site, and running through the centre of the site (PRoW 136) are shown on the Parameter Plan as being retained, however, this has not been annotated on the Parameter Plans as being upgraded, which would be required given this is a key route through the site. Both the Council's Landscape Officer and the County Council's PRoW Officer have commented that this route should be upgraded, including appropriate surfacing treatments which considers the degree and year-round use and accessibility. Notwithstanding this, the outline application could in principle be approved without approving the Parameter Plans, and then this matter could be resolved and the necessary PRoW upgrades secured at Reserved Matters stage.

The three 'green fingers' that run through the site shown on the Parameter Plans reflect those indicated in the endorsed Framework Masterplan. These provide strong green corridors/connections which align with the Framework Masterplan, and support the wider green infrastructure strategies of the Council and Local Plan provisions.

The indicative layout shown in the Parameter Plans consists a number (7) of residential perimeter blocks which accords with the layout shown in the endorsed Framework Masterplan for this site, and would be compatible with the layout of the wider SD3 site shown in the Masterplan. The Parameter Plans show green buffers nearest the boundaries of the site, adjacent to the nursery/commercial site, Cemetery and neighbouring residential areas. The Building Heights Parameter Plan shows buildings up to 2 storeys (9m ridge height) nearest neighbouring residential properties to the east along Chalcraft Lane, buildings up to 3 storeys (14m ridge height) adjacent to the primary vehicular access route through the site and adjacent to the proposed community orchards/Public Open Space, and the rest of the perimeter blocks being a maximum of 2.5 storeys (up to 11m ridge height). This would broadly accord with the character of the area, in terms of new 2 storey properties being sited closest to existing neighbouring 2 storey properties, taller buildings up to 3 storeys lining the main access road and around the public open spaces providing 'landmark' buildings and enclosure to these spaces, and 2.5 storeys being acceptable in the rest of the site. It is concluded these building heights could be acceptably accommodated on the site in

terms of their visual impact on area, subject to details of the scale, type and design/materials to be secured at Reserved Matters stage. The development would reflect the low-key, edge of settlement, suburban character of the site and surrounding area.

In conclusion, the main site access point, overall perimeter block layout, maximum building heights and proposed green infrastructure shown on the Parameter Plans would accord with the indicative layouts set out in the endorsed Framework Masterplan for WEB and would have an acceptable impact in principle on the visual amenity and character of the area. Notwithstanding this assessment, which has been based on the indicative details set out in the Parameters Plans, if the Parameters Plans were not to form part of the list of approved plans at outline stage, then design and impact on visual amenity would need to be assessed in full and an acceptable standard achieved at Reserved Matters stage in any event. The detailed layout, scale and external appearance (including detailed design and materiality) of the development, and the requirement for a vehicular link to the wider strategic site and upgraded connections, are matters to be addressed at Reserved Matters stage and, subject to these details, the development could be accommodated to have an acceptable impact on the visual amenity of the area and the landscape character, in accordance with policies D SP1, D DM1, LAN DM1 of the ALP, BDNP policies ES1, HDQ2, HDQ5, HDQ7 and GA1 and the adopted ADC Design SPD.

HERITAGE:

Paragraph 190 of the NPPF requires the LPA to identify and assess the significance of any heritage assets affected by a proposed development. A Heritage Statement has been submitted with the application. There are 9 designated heritage assets, including Bersted Conservation Area, and 2 non-designated heritage assets located within 1km of the application site.

Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset 'great weight' should be given to the heritage assets conservation. With the exception of Morells Farmhouse, all of these heritage assets are visually and functionally separated from the application site by a large area of intervening modern development, which precludes any inter-visibility between them and the site. The Council's Conservation Officer has confirmed that, as a consequence, the proposed development is not located within the settings of any of these heritage assets and it would not harm their significance.

With regard to Morells Farmhouse (grade II listed), the Council's Conservation Officer has confirmed that the setting is predominantly focussed on the front elevation of the building, which is experienced by the approach along the Lower Bognor Road, and the setting also consists the side and rear elevations experienced from within the farmstead itself. The application site is screened by vegetation from the immediate setting of the farmstead and the proposed development would retain planting along the southern and western boundaries which would help to reduce its visibility within the setting of the farmhouse. The Conservation Officer concludes that the fact that a key part of how the setting of this listed building is experienced is along the Lower Bognor Road or within the curtilage itself and the presence of the mature vegetative screening means there is no visual relationship between the listed building and the application site. The LPA therefore concludes, on the basis of the Heritage Statement submitted and the Council's Conservation Officer's views, that the proposed development would not affect the setting or significance of Morells Farmhouse.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that 'in considering whether to grant permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'. Section 72 of said Act states 'with respect to any buildings or other land in a conservation area, of any functions of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving

or enhancing the character or appearance of that area". Para 196 of the NPPF states that where proposals would lead to 'less than substantial harm' to the significance of a heritage asset, this harm should be weighed against the public benefit of the proposal.

The LPA concludes that this legislation and that para 196 of the NPPF is not relevant given that no harm would be caused and the listed building, its setting and the character and appearance of the Conservation Area would be preserved. The LPA concludes the proposals would preserve the setting of nationally and locally listed buildings and that of the Conservation Area, in accordance with the NPPF, policies HER DM1, HER DM2 and HER DM3 of the Arun Local Plan and policies ES4 and ES5 of the Bersted Neighbourhood Plan.

ARCHAEOLOGY:

The site is located within an Archaeological Notification Area. A Historic Environment Desk-based Assessment has been submitted with the application. The Council's Archaeological Advisor has confirmed that they agree with the conclusions of the Assessment with regard the archaeological potential and significance of the site and its recommendation that the archaeological interest of any remains that are present could be secured by a staged programme of archaeological works. The Council's Archaeological Advisor recommends a planning condition to secure the implementation of a programme of archaeological works in accordance with a written scheme of investigation to be submitted to and approved in writing by the LPA.

Subject to a planning condition to secure an investigation and programme of archaeological works, the proposals would preserve the archaeological interest of the site, in accordance with Arun Local Plan policy HER DM6.

RESIDENTIAL AMENITY:

Whilst detailed impacts on residential amenity (including as a result of layout, scale and design) is a matter to be assessed at Reserved Matters stage, it is appropriate at Outline application stage to assess whether the overall siting, scale and type of development proposed would have an acceptable impact on the amenity of existing occupants in the area.

The Land Use and Green Infrastructure Parameter Plans indicate a green landscape buffer between the new access road and the southern boundary of the site adjoining Chalcraft Cemetery. There is also an existing field area of green buffer which sits between the site boundary to the south west and Chalcraft Cemetery. Buffer planting is also shown on the Parameter Plans between the north west boundary of the Cemetery land and the new site access road and residential development on the application site. The proposed enhanced landscaped buffers, which will include reinforcement to the existing tree cover along the site boundary, would safeguard the quiet tranquillity of this neighbouring public space, the Cemetery. Details of this landscaping would be secured at Reserved Matters stage.

The proposed site access would be re-located away from no.92 Chalcraft Lane and closer to no.98. However, the Parameter Plans confirm there would be a minimum 7.5m (widening to 13m+) landscape buffer between the site boundary/garden to no.98 and the new site access road. Given this neighbouring property, no. 98, is already sited on the busy Chalcraft Lane and, subject to the use of fixed hard surfacing for the road (i.e. not gravel), effective buffer landscaping and boundary treatments, it is concluded it would not have an unacceptable impact in terms of noise and disturbance to this neighbouring property. Details of the landscaping, boundary treatments and materials for the new access road would be secured at Reserved Matters stage.

The Land Use and Green Infrastructure Parameter Plans show buffer planting between the new

residential development and the eastern boundary of the site adjoining existing residential properties along Chalcraft Lane. Similarly, these Parameter Plans show new residential development set back and with landscape buffer between it and existing houses to the north at Tara Perry Close. The Building Heights Parameter Plan shows new buildings up to 2 storeys (9m ridge height) nearest these neighbouring residential properties, which themselves are predominantly 2 storey, to the east along Chalcraft Lane and north at Tara Perry Close. The proposed landscape buffers, 2 storey height of the new development, in combination with effective boundary treatments, and detailed siting and design of new development, the proposals could be accommodated to prevent any significant impacts on outlook, light or privacy levels deriving from over massing or overlooking of the occupants of the nearby neighbouring properties and would protect future occupants of the new development too. Details of the landscaping, boundary treatments and siting/design of the new built form would be secured at Reserved Matters stage.

The residential amenity of future occupants of both the proposed development and the previously approved development for 99 dwellings to the northern portion of the site at land off New Barn Lane (ref. BE/29/19/PL & BE/37/19/PL) and 50 dwellings on land west of New Barn Lane (refs. BE/77/16/OUT and BE/40/18/PL) must also be considered. The Land Use and Green Infrastructure Parameter Plans show a large landscaped area and trees/hedgerows to be retained between any new residential development and this committed development site west of New Barn Lane which is currently under construction. The Building Heights Parameter Plan indicates new buildings up to 2.5 storeys (up to 11m ridge height) in this part of the site. Given the significant set back of new development from the approved development off New Barn Lane, and in combination with effective boundary treatments, landscaping and detailed siting and design of the new development, it is considered an acceptable relationship between the two developments could be achieved that would provide acceptable amenity for future occupants.

The residential amenity of future occupants of the proposed development must also be considered in view of the recently approved commercial and residential development at the Chalcraft Nursery site (ref. BE/81/20/OUT) to the south and east. The Parameter Plans show the new development blocks closest to the Chalcraft Nursery site as being set back from the boundary with landscaped buffer. The proposed new commercial buildings on the Chalcraft Nursery site would be a mixture of 6m and 11m high buildings. A number of planning conditions have been applied to the Chalcraft Nursery permission to control the commercial activities on this site to ensure acceptable amenity impacts for adjacent sites/occupants e.g. restricting hours of operation, delivery, lighting scheme. Subject to the commercial uses at the Chalcraft Nursery site being appropriately controlled by planning conditions, the use of careful boundary treatments and detailed siting and design of the new development at the application site, it is considered an acceptable relationship between the two developments could be achieved that would provide acceptable amenity for future occupants.

In terms of the amenity of future occupants, the new residential units would need to comply with the national internal space standards (set out in the National Technical Housing Standards, 2015) and the Council's external amenity standards (set out in the ADC Design Guide SPD, 2020), to ensure appropriate living accommodation and external amenity for future occupants of the development. This would be reviewed at Reserved Matters stage. In addition, ALP policy D DM1 seeks adaptable design and policy HDQ4 of the BNP states that a proportion of new housing proposed is required to meet Lifetime Homes Standards so homes are suitable for households whose needs change. As such, a planning condition would need to be applied requiring a minimum of 30% of residential units to be provided at Reserved Matters stage as being to M4(2) Building Regulations standards (or any other successive standard) and also to secure some M4(3) units too, to ensure the provision of adaptable dwellings which meet the diverse needs of future occupants.

Notwithstanding the assessment above, which has been based on the indicative plans set out in the Parameters Plans, if the Parameters Plans were not to form part of the list of approved plans at outline

stage, then impacts on residential amenity would need to be assessed in full and an acceptable standard achieved at Reserved Matters stage. Subject to detailed layout, scale and design being secured at Reserved Matters stage, it is considered that the development could be accommodated to have an acceptable impact on residential amenity, in accordance with Policies D DM1, QE SP1, QE DM1, QE DM2 and QE DM3 of the Arun Local Plan or para 127 of the NPPF.

HIGHWAYS, TRANSPORT & PARKING:

The proposed site access from the south of the site onto Chalcraft Lane would comprise a junction and minor access road within the wider SD3 West Bersted Strategic Allocation. The proposal for a secondary access road/entrance into the application site in this location accords with the indicative road network hierarchy for the wider Strategic Allocation detailed in the endorsed Framework Masterplan. The Local Highways Authority, WSCC, have confirmed that the capacity assessments within the TA for the site indicate that the proposed priority junction/site access onto Chalcraft Lane would operate well within theoretical capacity to serve the proposed development on this site and that approved at Chalcraft Nurseries (BE/81/20/OUT). The proposals accord with ALP Policy T SP1 which states that the Council will ensure that development: provides safe access on to the highway network and paragraph 108 of the NPPF which states in assessing specific applications for development it should be ensured that (b) safe and suitable access to the site can be achieved for all users.

The scheme would maintain and enhance the connections to the existing Public Right of Way network through and around the site, in accordance with the endorsed Masterplan and ALP policy T DM1 which requires new development to (d) Contribute towards the provision of a joined up cycle network and Public Rights of Way network, taking into account the aspirational cycle network, which provides convenient, accessible, safe, comfortable and attractive routes for pedestrians and cyclists and; where appropriate, horse riders, both within the development and in the form of links between the development. The initial plans proposed a shared cycle/footway along the access road and a toucan crossing on Chalcraft Lane, however, the LHA confirmed this would not accord with cycle infrastructure design standards LTN 1/20 and would also be superfluous, given the proposed upgrade to PRow 136 to create a cycleway through the site which would connect up to the existing cycleway near the Bersted Community Centre which itself joins up with the crossing on Chalcraft Lane into Central Drive. As such, these elements (shared cycleway and off-site toucan crossing) have now been omitted from the plans. The proposed minor access road (which would also carry any cyclists) and proposed walking and cycling connections would ensure permeability across the site.

In terms of sustainable modes of transport, ALP policy H SP2 requires that development (a) integrate appropriately with surrounding communities through....connectivity of transport modes including walking, cycling and public transport and (j) ensure walkable access to local community, recreational and shopping facilities, jobs and accessible transport. Policy T SP1 requires development which (a) is designed to reduce the need to travel by car by identifying opportunities to improve access to public transport services and (b) be incorporated into the District's green infrastructure network and give priority to pedestrian and cycle movements. Policy T DM1 requires new development to (a) Be located within easy access of established public transport service(s), existing pedestrian and cycle networks and (b) Where applicable, contribute to the extension of public transport services to serve the development. Paragraph 102 of the NPPF which requires development proposals to pursue opportunities to promote walking, cycling and public transport uses and para 108 seeks to ensure that opportunities for sustainable transport modes have been taken up.

The application's TS identifies that the closest bus stop to the site would be some 800m walking distance. The Council has sought the view of an independent Transport Consultant with respect the transportation matters of the scheme (set out in Independent Opinion on Transportation matters advice note, prepared by DBA, dated 31st March 2021). The Council's Transport Consultant has confirmed that

they have calculated around 25% of the proposed scheme would be outside of 800m walking distance of a bus stop. The Manual for Streets (MfS) assesses that walkable neighbourhoods are "characterised by having a range of facilities within 10 minutes' (up to about 800 m) walking distance of residential areas which residents may access comfortably on foot." The Council's Transport Consultant has confirmed that, in their view, the MfS 800m is the upper limit of what is a 'comfortable' walking distance. As such around 25% of the development would lie outside of a comfortable walking distance of an existing bus stop. Furthermore, walking distances from the application site to existing local retail facilities range from 900m to 1,950 from the site; healthcare from 900m to 1,750m; education from 1,150m to 1,550m; indoor leisure from 950m to 1,150m; and employment from 2,350m to 2,850m. Very few local facilities are within what would be considered a comfortable walking distance. It is noted that the development of community facilities within the wider SD3 allocation, in the form of a new primary school, planned new employment, shops, healthcare and library, will represent the closest local facilities to the application site, and that these are the facilities that the Nursery Fields scheme residents will find it most comfortable to walk to in terms of the guidance of both MfS and PPG13. The TS refers to it being 'likely' that there will be an improved bus provision through the SD3 development. The Council's Transport Consultant has advised that the attractiveness of these facilities local to the application site will most effectively be maximised by providing full modal access and that public transport accessibility would be most effectively maximised if a two-way vehicular link road is provided connecting the application site to the SD3 spine road. Policy H SP2(f) refers to "new community hubs...shall be well located taking account of the permeable layout to all transport modes..." which reinforces the need for permeability between this site and the local centre. However, currently the Parameter Plans only show the 'potential' for such a future link and the statement within the TS that a bus connection would only be only be provided subject to operator demand, is not considered to take a proactive approach and commitment to improving public transport accessibility of the application site. The distances from the application site to existing bus services and local facilities, and the absence of a proposed two-way vehicular link with bus connection into the wider site to allow easy access the community hub, it is concluded that the development as proposed in isolation as a stand-alone development or in the short-term would not be sited in an environmentally sustainable location, nor would it encourage the use of sustainable modes of transport, contrary to paras 102 and 108 of the NPPF and ALP policies T SP1, T DM1 and H SP2.

With regard impacts on the road network, para 109 of the NPPF states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Policy T SP1 of the Arun Local Plan requires transport and development (e) Is supported by an effective and deliverable Transport Assessment which demonstrates that the transport effects of development on the local and strategic road network can be satisfactorily mitigated. ALP policy H SP2 seeks to k) address the off-site capacity requirements, that relate to that particular allocation, identified in the Arun Transport Assessment (2016 and update 2017 and taking into account subsequent relevant assessments) and the local highway network. Policy INF SP1 of the Local Plan states 'The Local Planning Authority will support development proposals which provide or contribute towards the infrastructure and services needed to support development (including the necessary infrastructure set out in the Infrastructure Delivery Plan) to meet the needs of occupiers and users of the development and the existing community'.

The Local Highways Authority (LHA), WSCC, have confirmed it is their view that, although part of the wider Strategic allocation, the implications of this application should be considered on its merits with the submitted Transport Statement (TS) adequately assessing the potential traffic increases from the dwellings proposed. They conclude that, when taken as a stand-alone site on its merits, they are satisfied that the proposed development would not result in a severe impact on the road network as per para 109 NPPF. However, the LHA acknowledge that the Arun Stage 3 Transport Study (2017) and the recent Apportionment Study (2020) are studies at a strategic level and as such primarily identify improvements required on the primary road network, and that to support planning applications on the West Bersted site further Transport Assessments are required and that the extent and scope of these

TAs will need to reflect the scale of the individual development proposed but will need to account for the over-arching policy requirements covering the allocation within the Local Plan. The LHA advise that the Local Planning Authority may wish to give consideration to the wider implications of the proposals, in view of the allocations policies H SP2 and H SP2a and the endorsed Masterplan, given the site forms part of the wider strategic allocation and that the Council, as determining authority, will need to be satisfied based on the evidence available, that an unacceptable safety or otherwise severe impact on the road network as specified by para 109 of the NPPF would not result.

Throughout the consultation period on the application, the LPA have been made aware, through third party representatives, that a difference in approach has been found between the transport modelling/capacity Transport Assessments for the wider strategic site and the Transport Statement for the application site, and that the TS submitted by the applicants fails to recognise the need for localised highways infrastructure (i.e. local junction improvements), and which could result in viability implications (i.e. if the adjoining land owners have to pay a higher proportion for these improvements then this may affect scheme viability and level of affordable housing provision for example). The District Council therefore commissioned a third party independent opinion from a Transport Consultant, given the varying positions being presented to the LPA under this application and adjoining landowners of the wider strategic site.

On the basis of the independent transport advice received (Independent Opinion on Transportation matters advice note, prepared by DBA, dated 31st March 2021), the LPA conclude that; the site should not be assessed in isolation but as part of the wider allocation as per policies H SP2 and H SP2a, and that in the absence of any assessment on the local highways junctions arising from the entire strategic development (which have not been assessed by the strategic level Arun TS and Apportionment Study and the site TS excludes cumulative impacts on local junctions), the residual cumulative impacts are currently unknown. In the absence of a combined assessment of the cumulative impacts of these committed developments in the area, the scale of local junction improvements required to offset the combined impact (to which cost BE/148/20/OUT would proportionally need to contribute) is not known at present. The total package of mitigation and costs for the allocation as a whole and thus the proportional contributions required for this site are therefore unknown and have not yet been established. The LPA therefore concludes that the application fails to comply with Arun Local Plan policy T SP1(e) which requires Transport Assessments to demonstrate that the transport effects of development on the local and strategic road network can be satisfactorily mitigated. Nor does the application adequately demonstrate that it meets test (k) of policy H SP2a, which requires development within the WEB strategic allocation to address off-site capacity requirements on the local highway network, which includes taking into account subsequent relevant assessments. Furthermore, the Local Planning Authority are not satisfied that it has been adequately demonstrated that the proposed development would not result in a severe residual cumulative impact on the road network, contrary to para 109 of the NPPF.

In terms of other infrastructure requirements for the West Bersted strategic allocation, policy H SP2a sets these out as follows (e) a road/pedestrian/cycle link between the A259 and Chalcraft Lane, including facilitating the cycle route to Pagham and enhancing the A259 cycle route (f) improvements to the A259 between Bersted and Drayton and (i) where possible, provide linkages and accessible pedestrian and cycle routes to Bognor Regis town centre. The draft S106 Heads of Terms makes provision for (e), (f) and (i). However, as per a letter from the applicants (Barton Willmore, dated 26th March 2021) the contributions towards a Cycle Route between Bersted and Bognor have not yet been agreed so policy H SP2a part (i) has not been satisfied. Notwithstanding this, in the absence of a completed S106, the application fails to make appropriate provision for the necessary transport infrastructure associated with this strategic allocation, contrary to policy H SP2a.

In conclusion, based on the evidence currently available, given the lack of a TA to address off-site capacity requirements from the strategic site cumulatively on the local road network, contrary to policy H

SP2(k), there is insufficient information to confirm that the proposed development would not result in severe cumulative impacts on the road network, contrary to para 109 of the NPPF, and a failure to demonstrate that the transport effects of the development on the local highway network could be satisfactorily mitigated, contrary to policy T SP1(e). In addition, the application fails to sufficiently encourage the use of sustainable modes of transport, contrary to paras 102 and 108 of the NPPF and ALP policies T SP1, T DM1 and H SP2. In the absence of a completed S106, the application also fails to make the necessary contributions towards transport infrastructure related to the strategic allocation, contrary to policy H SP2, H SP2a and INF SP1.

FLOOD RISK & DRAINAGE:

The site falls within Flood Zone 1 (which the Environment Agency defines as at 'low risk' of flooding). Notwithstanding this, as the site is larger than 1 hectare, a Flood Risk Assessment was required in accordance with the NPPF and ALP policy W DM2 and an FRA has been submitted with the application. It has not been necessary to undertake a Sequential Test since the site forms part of a Strategic Allocation within the Local Plan, where an ST has already been undertaken. A detailed FRA would be required at Reserved Matters stage to set out any flood mitigation measures once the detailed layout of development and design of buildings is known to ensure future occupants would be protected from flooding.

Mapping shows the site is at high risk of groundwater flooding and the ground water table is known to be high which limits being able to utilise ground water infiltration as a means of surface water drainage.

The overall drainage strategy for the wider West Bersted Strategic Allocation site, as set out in the endorsed Masterplan's indicative blue water strategy, relies on a series of retention and attenuation basins which control discharge flows by natural and manmade features into the existing drainage ditches ('rifes') on site. The SUDs strategy for the application site consists a series of attenuation ponds, with restricted discharges to the existing watercourses on site, which would align with the overall SUDs strategy for the wider strategic site. Roadside SUDs features (perforated pipes, planters, swales) and basins would provide acceptable treatment to water run-off before disposal into local watercourses. The Council's Drainage Engineers has confirmed that although surface water drainage is going to rely on restricted discharge to existing watercourses, ground water infiltration must be utilised wherever possible. As such, they recommend a planning condition to secure full details of a surface water drainage scheme (based on winter groundwater monitoring and infiltration testing) and which covers the whole application site, not just the pond areas and should consider a range of SUDs features including permeable paving and swales. Planning conditions are also recommended to secure details of any works discharge flows to existing watercourses, details of the maintenance and management of the surface water drainage system, and provision of as-built drawings and a completion report of the scheme.

Subject to these conditions, the proposals will accord with ALP policy W DM3, which states that all development must identify opportunities to incorporate a range of Sustainable Urban Drainage (SUDs) systems, Policy H SP2 whereby strategic sites should (i) positively respond to sustainable water management, Policy H SP2a which requires West of Bersted allocation to provide (j) a comprehensive strategy for surface water management will be developed in line with the specific recommendations for this locality in the Arun Strategic Surface Water Management Study, and policy ES2 of the BNDP, which requires that surface water management measures for new development will be required.

Regarding foul water drainage, correspondence with Southern Water indicates there is currently insufficient capacity within the existing sewage network to serve the new development. They confirm that an initial desk-top study indicates that there is an increased risk of flooding unless sewage network reinforcement is provided by Southern Water (and Portsmouth Water). Any such network reinforcement would be part funded through Southern Water's New Infrastructure Charge to the developer with the remainder funded through Southern Water's Capital Works Programme (and also Portsmouth Water).

Southern Water and the developer would need to work together to review if the delivery of the network reinforcement aligns with the proposed occupation of development. Southern Water have confirmed it may be possible for some initial dwellings to connect to the existing sewage network, pending reinforcement, however they would review and advise on this in due course. Request planning condition to ensure occupation of development is phased to align with delivery by Southern Water of any sewage network reinforcement required so adequate wastewater network capacity is available to drain the development. Request securing details of the proposed scheme of foul and surface water disposal which are to be submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water, prior to commencement of development.

Subject to these conditions, the site would be appropriately drained and the proposals would not result in flood risk elsewhere, in accordance with Arun Local Plan policies W DM2, W DM3, H SP2 and H SP2a and policy ES2 of the Bersted Neighbourhood Plan. The proposals would also accord with the overall SUDs strategy for the strategic allocation, set out in the endorsed West Bersted Masterplan and as per policy H SP2a (j).

TREES:

The site consists of three parcels of land which are bounded by hedgerows and trees. There are a number of mature trees along the existing field boundaries on the site that contribute to amenity value and are the subject of provisional Tree Preservation Orders (TPOs). There are also two provisional TPOs on the site boundaries of the adjacent site, Chalcroft Nurseries.

A Preliminary Arboricultural Impact Assessment has been submitted with the application. The Council's Tree Officer has confirmed that the principle of development, proposed site access and overarching layout (as set out in the Parameter Plans) is achievable without undue detriment to retained on and off site trees. However, they have advised that any PRoWs should be retained as is or returned to grass, and any upgrades to footways/cycleways and any new construction must ensure a 2m+ buffer beyond the Root Protection Area (RPA) of any retained trees. They have advised that if PRoW 136 is to be upgraded to a footway/cycleway to allow better connectivity through the site (which is required by the LPA in place-making terms) then this route should be designed to avoid the provisional TPO on the southern boundary of the application site, the provisional TPO on the Chalcroft Nursery site and the important cluster of provisional TPO trees within the application site. However, the Parameter Plans currently show PRoW 136 continuing on its existing route and being retained under this important cluster of provisional TPO-ed trees, with an arrow indicating an additional upgraded pedestrian/cycleway being routed around these trees at this point. Instead, it is considered by the LPA that the developers should seek a formal diversion of PRoW 136 to route around this cluster of provisional TPO trees, allowing the existing section of PROW under the cluster of trees to be stopped up, which would avoid increased usage under these trees when development is complete with the potential resultant damage and also to provide a single clear route through the site. Notwithstanding this, the outline application could in principle be approved without approving the Parameter Plans, and then these matters could be resolved and appropriate connections that would not harm important trees secured at Reserved Matters stage.

A planning condition could be used to secure, prior to commencement of development, an Arboricultural Impact Assessment and Arboricultural Method Statement inclusive of a Tree Protection Plan, defining which trees are to be retained and which trees are to be removed and how it is proposed to protect the retained trees.

Subject to the above recommendations, the development would not result in undue harm to trees and hedgerows of value, in accordance with Policies H SP2a and ENV DM4 of the Arun Local Plan, which seeks to protect trees with TPOs, identified as Ancient Woodland, in Conservation Areas, or contributing to local amenity, and Policy ES6 of the Bersted Neighbourhood Plan, which seeks to resist development

that would result in damage or loss of trees of arboricultural and amenity value and such trees should be retained wherever possible.

LANDSCAPE, OPEN SPACE, PLAY & LEISURE/SPORTS:

The Parameter Plans show indicative landscaping which has been reviewed by Officers and is considered to be acceptable in principle. The indicative plans includes three key 'green fingers' through the site, 'viewing mounds' have been indicated on the plans to allow for far-reaching views to the Cathedral City of Chichester and the South Downs National Park, the provision of Public Open Space, a community orchard and play areas on site. Landscaping (details) would be a reserved matter. The Council's Landscape and Greenspace Officer has raised no objection to the indicative landscaping outlined in the Parameter Plans, subject to acceptable details including a Detailed Landscape Scheme & Planting Plan, being provided at Reserved Matters stage.

The amount of Public Open Space required will depend on the final number of units and final layout, but the provision of open space on the indicative plans suggests this can be accommodated to accord with the Public Open Space requirement generated under ADC's Open Space SPD (2020). Planning conditions could be applied to secure a Local Area for Play (LAP), Local Equipped Area for Play (LEAP) and Neighbourhood Equipped Area for Play (NEAP) (which have been indicated on the Parameters Plans) on-site at Reserved Matters stage. The provision of these play areas, along with financial contributions towards social, leisure and sports infrastructure, as set out in ADC's Open Space, Playing Pitches, Indoor and Build Sports Facilities SPD (2020), would need to be secured via planning obligations in a S106 agreement.

Notwithstanding the assessment above, which has been based on the indicative details set out in the Parameters Plans, if the Parameters Plans were not to form part of the list of approved plans at outline stage, then landscaping and open space etc. would need to be assessed in full and an acceptable standard achieved at Reserved Matters stage in any event. Subject to acceptable details of landscaping and open space being secured at Reserved Matters stage the proposals would accord with policies D DM1, D SP1, H SP2 and H SP2a of the Arun Local Plan, paragraph 127(b) of the NPPF, and the Arun District Council Supplementary Planning Document Open Space, Playing Pitches, Indoor and Build Sports Facilities, January 2020.

However, whilst the applicants have agreed in principle to provide policy and SPD compliant play and social, leisure and sports infrastructure contributions via a S106 agreement, due to other outstanding matters as set out in this report, at the time of the decision, this S106 has not been concluded and therefore these infrastructure contributions have not been secured at this stage. In the absence of a completed Section 106 legal agreement, the application currently fails to make adequate provision for play spaces, social, leisure and sports infrastructure and as such fails to comply with the relevant Local Plan policies and the requirements set out in Arun District Council Supplementary Planning Document Open Space, Playing Pitches, Indoor and Build Sports Facilities, January 2020.

ECOLOGY/BIODIVERSITY:

An Ecological Assessment (EA) dated July 2020 was submitted with the application. The Council's Ecology Advisor has raised no objection on ecology grounds and requested planning conditions to protect bats, dormice, badgers, hedgehogs, reptiles and wild nesting birds and to secure Biodiversity Net Gain (BNG). The Ecology Officer advised that if any works or disturbance would result on the 5 trees on site which have potential to support bat roosting then further Bat Surveys/potential Mitigation Strategy would be required. They also advised that an external lighting scheme designed to protect bats and a comprehensive Reptile Mitigation Strategy should be submitted as part of this application prior to determination of the application. However, Officers are of the view that these matters could be secured

as part of a future Reserved Matters application. The Ecology Advisor confirmed that, in line with Local Plan Policy ENV DM5, information on Biodiversity Net Gain (BNG) needs to be provided as part of the planning application prior to determination of the application. While some biodiversity enhancements were recommended in the initial Ecological Assessment (dated July 2020), the Ecology Advisor confirmed that additional enhancements needed to be included within the scheme. The Ecology Advisor has confirmed that the additional biodiversity enhancements set out in the revised EA (dated Oct 2020) are now suitable and could be secured by planning condition.

Subject to planning conditions and the above recommendations, the proposals would protect ecology and result in a Biodiversity Net Gain, in accordance with the NPPF, Environment Bill and policy ENV DM5 of the Arun Local Plan.

PAGHAM HARBOUR SPA & RAMSAR

The site falls within the 5km buffer zone of the Pagham Harbour Special Protection Area (SPA) and Ramsar for European designated sites and protected species. ALP policy W SP1 requires that the Council will seek to enhance the quality of the water environment which supports a range of habitats and ecosystems. Policy H SP2a (g) requires development within the site allocation (West Bersted) to ensure no detrimental impact to Pagham Harbour SPA, through compliance with Policy ENV DM2.

Policy ENV DM2 requires all new residential development likely to have an impact on Pagham Harbour to:

- i. Make developer contributions towards the agreed strategic approach to access management at Pagham Harbour.
- ii. Create easily accessible new green spaces for recreation within or adjacent to the development site. These shall be capable of accommodating the predicted increases in demand for local walking, including dog walking. Good pedestrian links shall be provided between housing areas and new and existing green space in order to discourage car use.

The LPA has measures in place (Strategic Access Monitoring and Management tariff) to manage the potential recreational disturbance impacts from development on the SPA. An appropriate financial contribution (£871 per dwelling) would need to be secured by planning obligation under the S106 agreement towards the agreed strategic approach to access management at Pagham Harbour, in order to satisfy part (i) of Policy ENV DM2.

The Masterplan Framework for the wider West Bersted site details that the residential aspect of the development would be well-linked to a network of both existing and emerging new green spaces within or adjacent to the development. These spaces are designed to be capable of accommodating predicted increases in demand for local walking, including dog walking, which will also discourage car usage and pressure on Pagham Harbour SPA. This satisfies part (ii) of Policy ENV DM2.

A shadow Habitats Regulations Assessment (sHRA) was submitted with the application. During the course of the determination period, the LPA requested further information with regard to potential use of the site by protected Brent Geese. The applicant's ecologist supplied an additional Briefing Note (dated February 2021) which provided more detail on the historic cropping regime of the land and 2 months worth of winter bird surveys (covering Jan and Feb 2021). As such, the Council were able to reasonably conclude and 'screen out' direct loss of supporting habitat or functionally-linked land for Brent Geese as a potential Likely Significant Effect (LSE) within the Appropriate Assessment (AA).

The AA concluded that, subject to satisfactory mitigation measures set out in the applicant's shadow Habitat Regulations Assessment, the SAMM tariff being secured through a S106 legal agreement, and the addition of planning conditions requiring a Construction/Demolition Environment Management Plan, land remediation and an appropriate SUDs and waste water strategy, development would be acceptable.

The AA concludes that, with mitigation, the development, in combination with other plans and projects, would not have an Adverse Impact on the integrity of the European protected sites. Natural England confirm that they concur with the Appropriate Assessment findings, in terms of conclusions about functionally linked land and that recreational disturbance will be mitigated against by financial contributions (SAMM tariff) towards the Pagham Bird Aware scheme.

In respect of water quality, NE have referred the LPA to the Local Plan HRA conclusions about water quality and the need to ensure the application follows these conclusions. The Local Plan HRA concludes that, in order to accommodate the new development in the District including from the strategic site allocations, increased investment in water treatment infrastructure by the water companies will be required to prevent further deterioration of the water quality in the Pagham Harbour SPA/Ramsar, that this will be the responsibility of the water companies to undertake, and any development above existing capacity at Pagham Waste Water Treatment Works (WWTW) should be discharged at an alternative location. Given that it is the intention of the developers to direct waste water from this development towards Ford WWTW, rather than Pagham WWTW, the waste water would not discharge out into Pagham Harbour, as confirmed by the HRA Stage 3 report "Ford WWTW discharges to the sea through a long sea outfall that discharges about 3km offshore" and the outfall has no "direct hydrological connection to Pagham Harbour SPA/Ramsar". As such, the development would not result in a further deterioration of water quality in the Pagham Harbour Ramsar/SPA. A planning condition could be used to secure details within the Foul Drainage Strategy of the proposed location/WWTW for discharge of foul water from the new development to ensure no negative impacts on water quality.

The AA concludes that the proposals would not have an Adverse Effect on the integrity of the designated Pagham Harbour SPA/Ramsar, subject to mitigation measures being secured. However, in the absence of a completed S106 legal agreement the application fails to secure a developer contribution towards the agreed strategic approach to access management at Pagham Harbour, contrary to the requirements of ALP policy ENV DM2 (i). In the absence of this mitigation measure there would be an Adverse Effect on the integrity of the Internationally protected conservation site, and the proposals fail to accord with policies H SP2a and ENV DM2 and the relevant legislation, the Conservation of Habitats and Species Regulations (2019, as amended). In the event that a S106 was agreed, with the necessary mitigation measures (SAMM tariff) being secured, then the reason for refusal based on a lack of mitigation resulting in an Adverse Effect on the integrity of an Internationally protected conservation site would fall away.

INFRASTRUCTURE PROVISION & S106:

Policy INF SP1 of the Local Plan states 'The Local Planning Authority will support development proposals which provide or contribute towards the infrastructure and services needed to support development (including the necessary infrastructure set out in the Infrastructure Delivery Plan) to meet the needs of occupiers and users of the development and the existing community'. Policy H SP2 requires that Strategic Allocation sites (n) provide for the required infrastructure, that relates to that particular allocation, in accordance with Policy INF SP1 and the Infrastructure Delivery Plan and (k) address the off-site capacity requirements, that relate to that particular allocation, identified in the Arun Transport Assessment (2016 and update 2017 and taking into account subsequent relevant assessments) and the local highway network.

There is a requirement for this development to provide financial and non-financial contributions (to be secured by planning obligations within a S106 legal agreement) towards infrastructure provision including; healthcare, education, fire and rescue services, libraries, police, sports/leisure/social facilities, affordable housing, self-build plots, and a SAMM tariff (outlined in detail in the S106 section of this report).

There is also a requirement for transport infrastructure, including a proportional contribution toward a

package of mitigation for the entire allocation (which also addresses off-site capacity and cumulative impacts on local road network/junctions), as set out in the Highways section of this report. The applicants, in a letter dated 26th March 2021, confirmed in writing that they are not willing to engage and enter into a Memorandum of Understanding with ADC and other landowners of the strategic allocation to agree the baseline approach to infrastructure for the entire allocation and costs. The MOU is designed to secure the appropriate infrastructure and address its subsequent delivery, with agreement between all parties, to ensure a collective masterplanned development, as required by ALP policy H SP2 and the endorsed WEB Masterplan. As such, Officers are not confident nor satisfied that the application would make the necessary proportional contributions to the West Bersted mitigation package including to address the off-site capacity requirements which relate to the particular allocation and the local highway network, contrary to policy H SP2(k).

The applicants have confirmed in writing most recently (Barton Willmore letter, dated 26th March 2021) that they are in broad agreement in principle with most matters set out in the draft S106 Heads of Terms, including in respect of affordable housing and self-build plot provision. However, due to other outstanding matters as set out in this report, at the time of the decision, this S106 has not been concluded and therefore the required infrastructure has not been secured at this stage. In addition, the applicants letter (26th March 2021) sets out the key matters which have not been agreed to as follows; localised highways junction improvements (as full scope is not fully understood), vehicular connections to adjacent parcels, Spine Road serving strategic allocation, West Bersted to Bognor cycle route, and trigger points.

In the absence of a completed S106 legal agreement, the application fails to secure the provision of and /or contribution towards the infrastructure and services needed to support development, and fails to provide for the required infrastructure or address the off-site capacity requirements that relates to that particular allocation, contrary to ALP policies INF SP1, H SP2 and H SP2a (k). In the event that a S106 was agreed, with all the necessary contributions secured, then the reason for refusal based on a lack of a completed S106 would fall away.

SUMMARY:

The current application seeks outline permission for site access, an internal access road and the principle of development of up to 225 dwellings with all other matters (layout, scale, external appearance and landscaping) reserved. The application site forms part of the wider Strategic Housing Allocation site West of Bersted (SD3) set out in policy H SP2a, which seeks to provide new housing, community infrastructure and employment uses. As such, the principle of residential development in this location is acceptable.

The Local Highways Authority have raised no objection to the proposed site access and development on the basis of its stand-alone impacts, when taken as an isolated site, on the highway network. However, given the site forms part of the wider West of Bersted strategic allocation, it should be assessed as such and the requirements of policy H SP2 and H SP2a must be considered. Policy H SP2 requires that strategic allocations (k) address the off-site capacity requirements, that relate to that particular allocation, identified in the Arun Transport Assessment (2016 and update 2017 and taking into account subsequent relevant assessments) and the local highway network. The application does not meet part (k) of policy H SP2 since the relevant transport assessment/s to address the off-site capacity requirements that relate to this particular strategic allocation and the local highway network have not yet been completed. In this case, in the absence of this information, and the lack of a completed S106 legal agreement to secure contributions, there is currently a failure to demonstrate that the impact of this development proposal on the local highway can be adequately mitigated and that it would not result in a 'severe' residual cumulative impact, contrary to para 109 of the NPPF. The Local Highways Authority have confirmed that their conclusions are based on the development being subject to proportional S106 contributions towards

the total package of transport infrastructure required from the West of Bersted Strategic Allocation.

As such, it is concluded that the application currently fails to demonstrate that there would not be an unacceptable impact on the operation and safety of the highways network. In the absence of a completed S106, the application also fails to make the necessary contributions towards infrastructure, affordable housing and Self-Build provision and the SAMM tariff for Pagham Harbour. As such, the application also fails to provide adequate mitigation to protect and ensure there would be no Adverse Effect on the integrity of an Internationally designated conservation site. The application fails to comply with the Conservation of Habitats and Species Regulations (2019, as amended), the National Planning Policy Framework, and the Development Plan in respect of Arun Local Plan policies H SP2, H SP2a, INF SP1, T SP1, T DM1, AH SP2 and ENV DM5, and Bersted Neighbourhood Plan policy HDQ4.

In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, any determination to be made under the Planning Acts is to be determined in accordance with the policies within the Development Plan unless material considerations indicate otherwise.

In this case, a relevant material planning consideration is the Council's lack of a 5 year Housing Land Supply (currently 3.3 years). In this situation where a 5 year HLS cannot be demonstrated, the Development Plan needs to be weighed in the balance with other material considerations and the Development Plan stops being the key consideration and its policies may be afforded less weight. Para 11 (d) of the NPPF requires "where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (which includes for applications involving the provision of housing where the LPA cannot demonstrate a 5 year supply of deliverable housing sites), granting permission unless: (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

In order for the NPPF's (para 11) 'presumption in favour of sustainable development' to apply it must first be assessed whether the proposal would constitute 'sustainable development'. For development proposals to be considered 'sustainable' they have to satisfy the environmental, economic and social tests as per paragraph 8 of the NPPF. The proposed new dwellings (up to 225 no.) would satisfy the social and economic tests of sustainable development through the provision of needed housing and associated open space/play, opportunities for construction jobs, local spending and council tax receipts. The site is located on an allocated Strategic Site. As set out within the Highways section of this report, the application site in the short-term or when taken as a stand-alone development would not be environmentally sustainable in terms of sustainable transport modes, however in the future, as part of the wider strategic allocation, it will benefit from the local centre and potential future bus provision. As such, on balance, the proposals would satisfy the environmental test of sustainable development.

Since the proposals would constitute 'sustainable development', the NPPF's 'presumption in favour of sustainable development' would apply. With regard to point (i) the site is located within 5km of the Pagham Harbour SPA/Ramsar, and the Appropriate Assessment undertaken concludes that there would be no significant effect on the integrity of this designated site, subject to mitigation measures. In the absence of the appropriate mitigation measures being secured (no completed S106 agreement securing SAMM tariff) the application fails to provide adequate mitigation to protect and ensure there would be no Adverse Effect on the integrity of the European protected site, contrary to policy ENV DM2. This provides a clear reason for refusing the development proposed as per point (i). With regard the tilted balance in point (ii), in this case, it is concluded that there would be adverse impacts (in the form of adverse impact on the integrity of an Internationally designated conservation site, potential adverse transport impacts, and lack of infrastructure provision including affordable housing, self-build plots and SAMM tariff, which would significantly and demonstrably outweigh the benefits of the scheme so the proposal would not

benefit from 'the presumption in favour' in this instance.

All other relevant planning considerations have been taken into account but none are of sufficient weight to warrant the recommendation being changed.

The application is therefore recommended for refusal for the reasons set out below:

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), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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.

SECTION 106 DETAILS

The S106 Heads of Terms have been drafted setting out the financial and non-financial planning obligations required to make the development acceptable, as follows:

Non-financial contributions as follows:

- The provision of 30% affordable housing on site
- The provision of 5% of total number of units as self-build plots on site
- The provision of play areas on site (LAP, LEAP & NEAP)
- Obligations to enter into the highways agreement (S278) and carry out the off-site highways works, and PRow enhancements etc.

Financial contributions as follows:

1) Transport Improvements

A27/A259 Bognor Road roundabout and A27/B2145 Whyke roundabout improvement works = £102,131.10

A259 Felpham Relief Road = £57,420

A29/A259 Rowan Way improvements = £55,800

A259 Bersted to Drayton improvements = £675,000
A259 Oystercatcher Junction upgrades = £90,000
A29 Realignment = £144,000
A259 Corridor Improvement to Bognor Regis to Littlehampton = £18,000
Chalcraft Lane to Bognor Regis town centre new Cycle Route = financial contribution (based on formula calculation) to provision of new 2km route
A259 Bognor to Chichester Cycle Route improvements = financial contribution TBC
Measures identified in TS/TA to support development = financial contribution TBC
Bus improvements = financial contribution TBC (in discussion with Stagecoach)

2) Social, Leisure and Sport

3G pitch provision = £12,847.46 plus maintenance and land costs
Playing pitch provision = £49,907 plus maintenance and land costs
Sports Hub/Community Centre = £225,000
Sports Hub/Ancillary Facilities = £112,562
Sports Hub/Sports Hall = £89,093.25
Sports Hub/Health & Fitness = £27,720
Sports Hub = land costs
Swimming pools = £91,169.19

3) Habitat Mitigation Measures

Pagham Harbour SPA = £871 per dwelling (up to 225 dwellings = £195,975)

4) Education

Early years = £309,999.60 plus land costs.
Primary = £1,350,000 plus land costs
Secondary = Multiplier formula based on £34,566 per pupil.
Sixth form = Multiplier formula based on £30,939 per pupil.
Special Educational Needs & Disability = £108,000 plus land costs

5) Libraries

= £9,000

6) Fire & Rescue Services

A financial contribution based on a formula.

7) Police

= £33,953.37

8) NHS Healthcare

= £259,522

9) Public Art

= £28,125

10) Monitoring of infrastructure planning obligations/CIL

£6,600

These S106 HoTs are currently in draft form and some of the final costs are unknown due to a lack of information e.g. lack of TA for strategic allocation means the total mitigation package required and costs for West Bersted strategic allocation and thus the proportional contribution this site needs to make are currently unknown. In the absence of finalised HoTs and a completed signed S106 the application

currently fails to meet the Development Plan policy requirements for infrastructure delivery. In the event that a S106 was agreed, with all the necessary contributions secured, then the reason for refusal based on a lack of a completed S106 would fall away.

RECOMMENDATION

REFUSE

- 1 Due to insufficient information, in the form of a relevant Transport Assessment to address off-site capacity requirements related to the strategic allocation and the local road network, and due to a failure to demonstrate through an effective Transport Assessment that the transport effects of the development on the local highway network can be satisfactorily mitigated, the applicant has failed to demonstrate that the proposed development would not result in a severe cumulative residual impact on the road network, contrary to paragraph 109 of the National Planning Policy Framework and Arun Local Plan policies H SP2(k) and T SP1(e). In addition, the application fails to sufficiently encourage the use of sustainable modes of transport, contrary to paragraphs 102 and 108 of the National Planning Policy Framework and Arun Local Plan policies T SP1, T DM1 and H SP2.
- 2 In the absence of a completed S106 legal agreement, the application fails to secure a developer contribution towards the agreed strategic approach to access management at Pagham Harbour, contrary to the requirements of Arun Local Plan policy ENV DM2 (i). In the absence of this mitigation measure there would be an Adverse Effect on the integrity of an Internationally designated conservation site, contrary to policies H SP2a and ENV DM2 of the Arun Local Plan and the relevant legislation, the Conservation of Habitats and Species Regulations (2019, as amended).
- 3 In the absence of a completed Section 106 legal agreement, the application fails to secure affordable housing provision, self-build plot provision, infrastructure contributions towards play, social, leisure and sports facilities, healthcare, education, fire & rescue services and police, and the transport mitigation package, necessary to support development. The application therefore fails to comply with Arun Local Plan policies INF SP1, AH SP2, H SP2, H SP2a, D SP1, D DM1, policy HDQ4 of the Bersted Neighbourhood Development Plan and Arun District Council Supplementary Planning Document Open Space, Playing Pitches, Indoor and Build Sports Facilities, January 2020.
- 4 **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 with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.