Recommendation Report for Planning Permission

REF NO: BE/29/19/PL

LOCATION: Land west of New Barn Lane
Bersted

PROPOSAL: Erection of 99 No. dwellings together with landscaping, open space & associated works. Access to be taken from New Barn Lane.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks planning permission for the erection of 99 No. dwellings together with landscaping, open space & associated works. Access to be taken from New Barn Lane.
SITE AREA	Approximately 3.72ha.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	Gross density of approximately 26 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	Trees and hedgerows are present along the southern, western and northern boundaries of the site.
BOUNDARY TREATMENT	The site is currently being developed following the approval of planning applications BE/142/15/OUT, BE/18/17/PL and BE/113/17/RES. Therefore, the eastern boundary of the site currently features hoarding of approximately 2m in height. The reserved matters approval under reference BE/113/17/RES set out a landscape strategy for the development of the site which featured hedgerow and tree planting along the northern, western and southern boundaries with sporadic tree planting with some limited hedgerow planting along the eastern boundary of the site.
SITE CHARACTERISTICS	The application site was previous a field situated to the west of New Barn Lane. Development has subsequently commenced on the implementation of the previously approved 90 unit residential scheme and as such the site is currently being developed.
CHARACTER OF LOCALITY	The nearby housing in Bersted to the west of Chichester Road is suburban in character, mainly 1950s and 60s single and two storey houses, often with open plan front gardens and low planting. The properties fronting the proposed development site on New Barn Lane are single storey. To the North West beyond the trees and hedgerows is Orchard Caravan Park which forms a finger of development into the countryside with numerous mobile homes.

RELEVANT SITE HISTORY

BE/37/19/PL	Erection of 99 No. dwellings together with landscaping, open space & associated works. Access to be taken from New Barn Lane (alternative scheme to BE/29/19/PL).	
BE/113/17/RES	Approval of reserved matters following outline consent BE/18/17/PL for appearance, landscaping, layout & scale for a mix of up to 90No. residential units, associated open space, landscaping, access & car parking	ApproveConditionally 12-12-17
BE/18/17/PL	Variation of condition 3 for approved plans & 23 for vechicular access imposed under BE/142/15/OUT. This application is a Departure from the Development Plan.	App Cond with S106 05-05-17
BE/142/15/OUT	Outline application with some matters reserved for a mix of up to 90 No. residential units, associated open space, landscaping, access & car parking. This application is a Departure from the Development Plan.	App Cond with S106 24-02-16

Outline planning permission was originally granted under reference BE/142/17/OUT with a subsequent variation of condition being approved under reference BE/18/17/PL. The reserved matters for the 90 unit proposal was approved under reference BE/113/17/RES on the 12th December 2017 and development has commenced for the implementation of this approved scheme.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bersted Parish Council

Bersted Parish Council

No objection as long as the conditions to the original application BE/142/15/OUT are observed.

1 no. letter of objection:
· Development commenced without all conditions having been discharged.
· There was a contamination of a ditch by a cement mixer causing harm to wildlife.
· Keep them to the original amount before they do anymore damage.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments are noted.

CONSULTATIONS

Highways England
WSCC Strategic Planning
Environment Agency
Natural England
Sport England South East
Surface Water Drainage Team
Environmental Health
Parks and Landscapes
Arboriculturist
Southern Water Planning
Planning and Housing Strategy
Sussex Police-Community Safety
Engineering Services Manager
Engineers (Drainage)
Archaeology Advisor
Ecology Advisor
NHS Coastal West Sussex CCG

CONSULTATION RESPONSES RECEIVED:

SPORT ENGLAND
· The proposed development does not fall within either our statutory remit or non-statutory remit. Therefore, Sport England have not provided a detailed response in this case.

ENVIRONMENT OFFICER
Bats
· The lighting scheme for the site will need to take into consideration the presence of bats in the local area and the scheme should minimise potential impacts to any bats using trees, hedgerows and buildings.
· Hedgerows on site are used for commuting and foraging and will need to be retained and enhanced. A buffer strip around the hedgerows during construction should be used and any gaps infilled. Where hedgerows are to be removed new hedgerow should be planted.

Reptiles
· To ensure the site remains unsuitable for reptiles, continued management must take place to ensure habitat for reptiles does not develop on site.

Nesting Birds
· Any works to trees or vegetation clearance should be undertaken outside of the bird breeding season.

Enhancements
There are a number of enhancements we would wish to see onsite including some of the following:
· Any trees removed to be replaced at a ratio of 2:1
· Wildlife Pond

· Wildlife Meadow
· Filling any gaps in tree lines or hedgerows with native species.
· Bat and bird boxes installed on site.
· Grassland areas managed to benefit reptiles.
· Log piles onsite.

HOUSING STRATEGY
I object to the application as currently proposed.

To meet the requirements of the Council's Affordable Housing policy the applicants will need to provide 30% affordable housing on site as part of the development with a tenure mix of 75% rented and 25% intermediate.

ENVIRONMENTAL HEALTH
The following recommendations were made:
· No machinery or plant shall be operated, no process shall be carried out and no deliveries taken at or dispatched from the site except between the hours 08:00 - 18:00 Monday - Friday, 08:00 - 13:00 Saturday and not at any time on Sundays or Bank or Public Holidays.
· No development shall take place, including any works of demolition, until a Construction Environmental Management Plan has been submitted to, and approved in writing, by the Local Planning Authority.
· Prior to the occupation of any of the dwellings, a scheme for the provision of facilities to enable the charging of electric vehicles to serve the approved dwellings shall be submitted to the Local Planning Authority for approval and thereafter implemented in accordance with the approved details and the charge points shall thereafter be permanently retained and maintained in good working order.
· Reporting of unexpected contamination.
· No habitable rooms to be situated within 15m of any pumping station.
· Consideration must be given to air quality as per the NPPF.

ADC ENGINEERS (DRAINAGE)
The revised layout provides the opportunity for the previous conflicts between landscaping proposals and surface water drainage to be resolved. As development has commenced the proposed surface water drainage scheme will need to be fully agreed.

HIGHWAYS ENGLAND
No objection on the basis that the proposal will not materially affect the safety, reliability and/or operation of the strategic road network in this location and its vicinity.

WEST SUSSEX COUNTY COUNCIL (HIGHWAY AUTHORITY)
The Local Highway Authority are satisfied that the 9 additional dwellings will not create any material highways safety or capacity issues.

WEST SUSSEX COUNTY COUNCIL (FLOOD RISK MANAMGEMENT)
Modelled surface water flood risk - Low
Modelled ground water flood risk - High
Records of any flooding on site - No
Ordinary Watercourses nearby - Yes

NATURAL ENGLAND
Since this application will result in a net increase in residential accommodation, impacts to the Pagham Harbour SPA and Ramsar Site may result from increased recreational disturbance. The Local Authority has measures in place to manage these potential impacts through the agreed strategic solution.

The application of these measures may need to be the subject of an appropriate assessment in view of the European Site's conservation objectives and in accordance with the Conservation of Habitats & Species Regulations 2017 (as amended).

SUSSEX POLICE
General comments on Secured by Design provided.

ARCHAEOLOGY ADVISOR
The deposits and features of interest that were found to be contained by this site have been suitably investigated, recorded and reported. No further archaeological intervention is warranted.

WEST SUSSEX COUNTY COUNCIL (PLANNING SERVICES)
S106 contributions towards Primary, Secondary and Further Education identified along with Fire & Rescue and Libraries.

SOUTHERN WATER
Identified that network reinforcement is required and a condition should be incorporated which phases development to align with this reinforcement work.

SUSSEX POLICE (S106 CONTRIBUTIONS)
Consultation response provided setting out the financial contributions which should be secured from the development and the relevant projects.

NHS
Consultation response received setting out the financial contributions which should be secured to mitigate the impact of the development.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and will be considered further in the conclusion to this report.

POLICY CONTEXT

Designation applicable to site:
Within the built-up area boundary

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

AHSP2	AH SP2 Affordable Housing
INFSP1	INF SP1 Infrastructure provision and implementation
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
ECCSP2	ECC SP2 Energy and climate change mitagation
ENVDM2	ENV DM2 Pagham Harbour
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
ENVSP1	ENV SP1 Natural Environment
GISP1	GI SP1 Green Infrastructure and Development
HDM1	H DM1 Housing mix

OSRDM1	Protection of open space,outdoor sport,comm& rec facilities
SDSP2	SD SP2 Built-up Area Boundary
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WSP1	W SP1 Water

Bersted Neighbourhood Plan 2014 Policy ES6	Protection of trees
Bersted Neighbourhood Plan 2014 Policy HDQ2	Integration of new housing
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
NPPG	National Planning Practice Guidance

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 Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area.

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

Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

The Bersted Neighbourhood Plan has been made and as such forms part of the development plan for the purposes of the determination of this application.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to comply with relevant Development Plan policies in that it will not give rise to an unacceptable adverse impact upon the established character of the locality or residential amenity.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

PRINCIPLE
The application site is situated within the built up area boundary, as defined by policy SD SP2 of the Arun Local Plan, where the principle of development is acceptable subject to accordance with relevant development plan policies. The site is also the subject of an existing approval for the construction of 90 dwellings and development for the implementation of this scheme has already commenced on site.

Given the above the principle of the proposed development is acceptable, subject to accordance with relevant policies within the development plan. The development plan in the determination of this application consists of the Arun Local Plan (2011-2031) and the Bersted Neighbourhood Plan (2014-2029). The proposals compliance with relevant policies will be considered throughout the conclusion to this report.

LAYOUT AND DESIGN
The proposed layout retains the design principles previously established and approved under reference BE/113/17/RES with the internal road layout unchanged. The space to accommodate the additional 9 dwellings has been created through the re-orientation and re-design of a number of the units on site predominantly within the northern portion of the site. However, some amendments have been made to the design of the blocks of flats on site removing under croft parking provision and internal bin stores to incorporate an additional unit.

Given the similarities between the layout originally approved and that now proposed it is considered that the majority of the scheme is acceptable with the key consideration being those elements which have been altered.

Plots 9 and 10 have been amended with the orientation of the dwelling and associated car parking having been amended. The proposed dwelling by virtue of its design and appearance is considered to be in keeping with the established principles of the development and would not give rise to any unacceptably adverse impacts to the visual amenity of the locality. The re-orientation of the parking has also moved the garage and spaces away from the primary elevation of plot 9 providing better representation of the dwelling within the street scene.

The block of flats containing plots 29-33 & 48 has been amended to incorporate 1 additional unit. This amendment has been achieved through the relocation of the bin-store and removal of the under croft parking spaces. The structure remains of the same design, scale and appearance (with the exception of the changes) as to that originally approved under reference BE/113/17/RES.

Plots 49, 95, 96, 97 and 98 have also been re-designed and will now take the format of a pair of semi-detached dwellings and a row of 4 terraced properties which will be served by parking forward of the primary elevation. These dwellings replace a detached dwelling and two link detached properties served by dedicated driveways and garages. The proposed alteration will increase the density of development on this portion of the site with parking having a greater presence within the street scene. However, the

developer has incorporated landscaping to assist in the mitigation of this and the proposed layout is in keeping with the principle of the previously approved scheme in terms of density and layout.

A similar approach has been adopted in relation to plots 71-86 adjacent to the northern boundary of the site. Semi-detached properties have been replaced by terraced units with parking forward of the primary elevations. Once again landscaping has been incorporated in order to break up the parking provision and for the northern properties the car parking spaces will have a limited presence within the street scene when viewed from the south-east by virtue of proposed dwellings providing further screening.

The final alteration is with plots 93 and 94 which replace a detached bungalow. This alteration ensures the protection of the previously established principles with the access to plot 94 located on the southern elevation to retain the passive surveillance over the open space and play areas.

The proposed layout is considered to reflect the guidance in the NPPF, in respect of the need to create a high standard of environment for residents, which is also reflected in the requirements of the Arun Local Plan. Therefore, the proposed layout is deemed to accord with policy D DM1 of the Arun Local Plan.

Policy HDQ2 of the Bersted Neighbourhood Plan requires new housing to be well connected with the surrounding area and visually integrated with their surroundings. The layout has been designed to reflect that of the previously approved reserved matters application under reference BE/113/17/RES. The proposed development addresses New Barn Lane and the retention of the open space and SUDs features adjacent to New Barn Lane ensures that the proposals will appear well integrated with the existing development.

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

The proposed building designs and use of materials are considered to sympathetically respond to its location. The development will have its own distinctive character and quality, whilst reflecting the character of the locality which features a mix of two storey and single storey dwellings featuring brick and concrete tiles.

As identified in the determination of the reserved matters application BE/113/17/RES the buildings will have traditional elements of roof forms, with punctuating design details which reflect the local vernacular. A consistent pallet of materials would be utilised and this would result in a consistent character overall. The elevation detailing (window styles, front door styles, garage doors, porches and projecting bay roofs) would be kept within a limited design range to ensure cohesiveness. The rainwater goods would be black PVC and individual dwellings have refuse storage points and dedicated bin collection points.

These principles have been carried over into the revised layout proposed by this application and as such it is considered that the proposed development would be in compliance with Bersted Neighbourhood Plan policies HDQ5 and HDQ7.

RESIDENTIAL AMENITY

The proposed development by virtue of the layout and orientation of the dwellings is not considered to give rise to any unacceptably adverse overlooking, overshadowing or overbearing impacts upon any existing neighbouring properties or future occupiers of the site.

The rear garden sizes for the proposed dwellings are considered to be of sufficient depth and width to provide adequate private amenity space for future occupiers. The proposed dwellings have also been

considered against and found too accord with the Nationally Described Space Standards. Therefore, the proposals accord with paragraph 127 of the NPPF.

Therefore, the proposed development is deemed to accord with policies D DM1 (3) and D DM2 of the Arun Local Plan.

HOUSING MIX
Policy H DM1 states that the tenure mix for development schemes should be negotiated on a case by case basis taking any necessary viability considerations into account. However, developments should have regard to the most up to date version of the Strategic Housing Market Assessment (SHMA). The proposal would include a range of 2 to 4 bedroom houses and would include affordable housing consisting of both shared ownership and rented accommodation.

Paragraph 61 of the NPPF identifies that planning policies should secure dwellings of sizes, types and tenures to meet the needs of different groups within the community. This includes but is not limited to, families with children, older people, students, people with disabilities, service families and travellers.

The Proposed Development will feature the following market housing mix:

2 Bed - 22 (32%)
3 Bed - 38 (55%)
4+ Bed - 9 (13%)

Whilst, the proposed housing mix does not align with that identified with the SHMA the housing mix is an enhancement over that previously approved with a greater proportion of two and three bedroom properties being secured.

Policy H DM1 also identifies a requirement to secure housing that would meet the needs of older people. The 'Updated Housing Needs Evidence - September 2016' (PELVP23) paragraph 5.17 states that there is a requirement to secure both specialist housing for older people as well as residential and nursing home bedspaces (falling within use class C2).

The proposed development includes a proportion of single storey accommodation with both bungalows and flats and as such the proposed development is deemed to accord with this aspect of policy H DM1 of the Arun Local Plan.

The development will also provide 30% affordable housing which for the 99 unit scheme would be 30 affordable units in accordance with the requirements of policy AH SP2 of the Arun Local Plan.

An objection has been raised by the Council's Housing Strategy and Enabling Manager who identified that the proposed housing mix of 50% affordable rent and 50% intermediate housing was not compliant with policy AH SP2. However, AH SP2 identifies that the Council will negotiate the affordable housing tenure mix on development sites from an initial position of 75% rent and 25% intermediate housing.

Therefore, the proposed affordable housing mix is not in direct conflict with the requirements of AH SP2 and it must be considered that the proposed development was approved previously under reference BE/142/15/OUT with an affordable housing mix of 50/50 being agreed in the determination of this application. Therefore, given that the previously approved scheme has already been commenced and an affordable housing provider is already in place it is considered that the proposed 50/50 housing mix previously agreed is acceptable.

Therefore, given the above the proposed development is deemed to accord with policies H DM1 and AH

SP2 of the Arun Local Plan.

HIGHWAYS AND PARKING
The internal road and footway layout was the subject of consideration under reference BE/113/17/RES by WSCC and was subsequently approved by the Local Planning Authority. This application has been the subject of further consultation with West Sussex County Council as Local Highway Authority who have stated that "...the 9 dwellings will not create any material highway safety or capacity issues.". Highways England have also been consulted and no objection has been raised. Therefore, the proposed development would accord with paragraph 109 of the NPPF.

It was also identified by WSCC that the pedestrian link between the two play areas should be 2m in width and examination of drawing no. 19-1013-009-1st has confirmed that this is the case. It was also identified in their consultation response that a pedestrian link onto New Barn Lane to provide a more direct route for pedestrians onto New Barn Lane for those occupying the northern and central portions of the site. However, the principle of pedestrian and vehicular access for the site has already been established through the determination of the earlier applications.

The parking provision for the site has been considered and found to be in accordance with the WSCC Parking Demand Calculator and in compliance with policy T SP1 (d) of the Arun Local Plan. Garages will have internal dimensions of 3m x 6m which is sufficient to accommodate a car as well as cycle storage and those dwellings which are not served by garages will feature sheds which will need to incorporate features to facilitate secure cycle storage in accordance with policy T DM1 (c) of the Arun Local Plan.

Given the above the proposed development accords with the aims and objectives of policies T SP1 and T DM1 of the Arun Local Plan.

ECOLOGY AND BIODIVERSITY
The proposed development has been accompanied by an Ecological Assessment (February 2019) and the Council's Ecological Advisor has been consulted on the proposed development. No objection was raised in the consultation response but a number of recommendations and enhancements and mitigations measures were identified. These recommendations included lighting to be designed to minimise impacts upon bats; retention, protection and enhancement of existing hedgerows; continued management of the site to ensure that habitats suitable for reptiles do not develop on site; no works to trees or vegetation clearance during bird breeding season; and consideration of further on-site enhancements.

The applicant has provided lighting details under drawing no. LHS232-4005 in support of the application. The lighting as proposed aligns with the details as previously approved by the Local Planning Authority through the discharge of Condition 21 of the original outline approval under reference BE/142/15/OUT. Therefore, it is considered that the details as proposed with this application are acceptable.

In terms of hedgerow and tree retention the submitted plans demonstrate that the intention is for the trees and hedgerows situated on the boundaries of the site to be retained. The Tree Protection Plan (dwg no. LIN22349-03) identifies a tree protection zone along the southern, western and northern boundaries of the site. This exclusion zone is sufficient to protect trees, hedgerows and minimise impacts upon bats.

In terms of further on-site enhancements, Figure ECO1 of the Ecological Assessment (6767.EcoAss.99Unit.Alternative.vf1) 'Location of Bat and Bird Boxes' identifies that 6 bat boxes and 6 bird boxes are to be provided on site and these enhancements will be secured via condition.

Given the above conclusions the proposed development would accord with policy ENV SP1 of the Arun

Local Plan.

HABITATS REGULATION ASSESSMENT AND APPROPRIATE ASSESSMENT
Policy ENV DM2 of the Arun District Plan states that within Zone B (0-5km from the Pagham Harbour SPA/Ramsar) all new residential development all new residential development which is likely to have an impact upon Pagham Harbour is required 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 existing housing areas and new and existing green spaces in order to discourage car use.

The supporting text under Paragraphs 17.1.18 - 17.1.22 of the Arun Local Plan includes relevant background information on the Pagham Harbour SPA/Ramsar and the means by which the Local Plan policies will ensure its protection.

The Local Planning Authority has measures in place to manage these potential impacts through the agreed Strategic Access Management Measures which is considered by Natural England to be ecologically sound. It was also identified in the consultation response from Natural England that subject to the appropriate financial contribution being secured, Natural England were satisfied that proposal would mitigate against the potential recreational impacts of the development proposed.

However, in accordance with the recent People Over Wind ruling, by the Court of Justice of the European Union, it is necessary when assessing whether or not a plan or project is likely to have a significant effect on a site that an Appropriate Assessment is undertaken. This approach has been confirmed by Paragraph: 002 (Reference ID: 65-002-20190722) of the Planning Practice Guidance.

Therefore, the Local Planning Authority have undertaken an Appropriate Assessment to consider the proposed mitigation. The appropriate assessment has concluded that the mitigation as proposed is sufficient to avoid a likely significant effect through recreational disturbance upon the Pagham Harbour SPA/Ramsar.

Further consultation has been undertaken with Natural England who have confirmed that they agree with the conclusions of the Appropriate Assessment with no objections having been raised.

As such the proposed development accords with policy ENV DM2 of the Arun Local Plan.

OPEN SPACE AND PLAY PROVISION
The originally approved scheme for 90 dwellings (under references BE/142/15/OUT, BE/18/17/PL and BE/113/17/RES) incorporated an open space provision of approximately 0.58ha. In this revised layout the open space provision is unchanged from that previously approved. The Council are currently undertaking public consultation on the Open Space and Play Strategy SPD which incorporates new standards, which align with the recommendations of the 'Guidance for Outdoor Sport and Play - Beyond the Six Acre Standard (England)'. Therefore, the revised layout would generate an open space requirement of approximately 0.69ha resulting in an onsite shortfall of approximately 0.11ha of open space.

However, unlike the earlier approvals this application makes a financial contribution of £23,861 towards the enhancement of existing playing pitches within the vicinity of the application site. It should also be noted that the application site is situated within close proximity to the Jubilee Recreation Ground

providing additional open space provision within acceptable walking distances from the application site.

Therefore, given the above the proposed development will accord with policy OSR DM1 of the Arun Local Plan.

DRAINAGE

The applicant has submitted drainage information which deals with both surface water and foul drainage on the site. It is identified that the surface water runoff from roofs, driveways and roads will be collected by a conventional system of guttering, downpipes and drains where it will be discharged via a surface water pipe network to either an attenuation basin/swale or attenuation tank. Surface water will be attenuated on site with a restricted discharge rate which will match the existing greenfield rate.

The proposals have been considered by the Council's drainage engineers and despite objections having been raised originally the surface water drainage system has been amended and no objections are currently raised for the proposals.

Foul water discharge from the site will drain via gravity to an existing public sewer located to the east of the application site, within New Barn Lane. However, a pumping station is identified as necessary to serve a number of the dwellings on site and to achieve connection to the existing foul sewer system.

Southern Water in their consultation response requested the inclusion of a condition which would require occupation of the development to be phased to align with network reinforcement. This condition would accord with policy W DM1 2(b) of the Arun Local Plan. However, this is not considered reasonable or necessary given that permission was previously granted for the construction of 90 dwellings on the site and no such condition was included as part of that approval. Therefore, it is considered unreasonable to now impose such a condition on the 9 additional dwellings proposed beyond the already permitted 90 units.

On the basis of the above the proposed development would accord with policies W SP1 and W DM3 of the Arun Local Plan.

GREEN INFRASTRUCTURE

Policy GI SP1 states that the existing Green Infrastructure Network (as shown on the Green Infrastructure Maps for each parish and town) must be considered early in the design process for all major development proposals. The policy goes on to state that all major development must be designed to protect and enhance existing Green Infrastructure assets in order to ensure a joined up Green Infrastructure Network.

The application site along with the West of Bersted Strategic Allocation are identified as falling within 'Green Infrastructure Corridor A'. It is a material consideration in the determination of this application that the site already benefits from planning permission for 90 dwellings and as such the proposed 99 units will not have any greater impact upon the objectives of policy GI SP1 than is already permitted.

The tree belt situated along the northern boundary has been retained both in the earlier approval and that now proposed and similarly a green corridor is present along the western and southern boundaries of the site. Therefore, the proposed development is deemed to protect and enhance the existing green infrastructure assets and the connections between them.

Therefore, the proposed development accords with policy GI SP1 of the Arun Local Plan.

LANDSCAPE

The application site is situated within the built up area boundary and the western and southern

boundaries of site abut the West of Bersted Strategic Allocation and to the north of the application site is the Orchard Caravan Park. Therefore, whilst the character of the site is currently informed by existing agricultural uses the surrounding land will be the subject of residential development in the future.

However, the site features existing screening along the northern, southern and western boundaries of the site and as such will not adversely impact upon the wider landscape character. In addition land to the west of the application site is due to come forward for development as part of the West of Bersted strategic allocation which will have a significant impact upon the existing landscape character of the area.

IMPACT ON TREES
The Council's Tree Officer has been consulted on this application but no comments were received. An 'Arboricultural Impact Assessment & Method Statement (LIN22349aia-ams)' dated 14.02.2019 was submitted in support of the application as well as a 'Tree Protection Plan (LIN22349-03)'. These documents demonstrated that none of the existing trees on site were proposed to be felled and those that are to be retained will be the subject of root protection measures. This methodology aligns with the details of the previously approved scheme. Therefore, the proposed development subject to appropriately worded conditions would accord with policy ENV DM4 of the Arun Local Plan and policy ES6 of the Bersted Neighbourhood Plan.

RENEWABLE ENERGY
The planning application is accompanied by an Energy Statement (August 2017) which was previously considered by the Local Planning Authority in the discharge of Condition 20 (under reference BE/22/18/DOC) imposed under the original outline approval. The statement seeks to provide evidence that the development is in accordance with the originally imposed condition with at least a 10% reduction in the energy demands of the development through energy hierarchy/fabric first approach.

Therefore, the proposals are deemed to be acceptable subject to accordance with the Energy Statement (August 2017).

SUMMARY
The proposed development is deemed to accord with relevant development plan policies and there are considered to be no material considerations which would justify a decision other than in accordance with the development plan.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

SECTION 106 DETAILS

Below is a summary of the S106 contributions to be secured from this development:

WSCC Primary Education - £29,591
WSCC Secondary Education - £28,591
WSCC - 6th Form - £7,340
WSCC Libraries - £2,536
WSCC Highways - £77,987.25
WSCC Fire & Rescue - £235
Pagham Harbour SAMM - £86,229
Playing Pitches - £23,861
Sports Halls - £39,252
Swimming pools - £42,252
3G Pitches - £5,852
NHS - £10,127
Sussex Police - £16,212.31
PROW Improvements £4,500

The above S106 contributions are in addition to the £871,343 originally secured through planning application BE/142/15/OUT. Therefore, the financial contributions for the site will total £1,245,909.

RECOMMENDATION

1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

2 The development hereby approved shall be carried out in accordance with the following approved plans and statements:

· Location Plan - 13/02/2019 - 19-1013-001-1st
· Site Plan - Planning Layout - 19-1013-005A
· Site Plan - Massing & Active Frontage - 19-1013-007-1st
· Site Plan - Refuse Strategy - 19-1013-008-1st
· Site Plan - Parking Strategy - 19-1013-009-1st
· Floor Plans and Elevations - Plots 1 & 2 - House Type 310 &202L - 19-1013-010-1st
· Floor Plans and Elevations - Plot 3 - House Type 402 - 19-1013-011-1st
· Floor Plans and Elevations - Plot 4 & 5 - House Types 202L & 310 - 19-1013-012-1st
· Floor Plans and Elevations - Plot 6 - House Type 402 - 19-1013-013-1st
· Floor Plans and Elevations - Plot 7 - House Type 404 - 19-1013-014-1st
· Floor Plans and Elevations - Plot 8 - Bungalow 3BB - 19-1013-015-1st

· Floor Plans and Elevations - Plots 9 & 10 - House Types 310 & 202L - 19-1013-016-1st
· Floor Plans and Elevations - Plots 11 & 12 - House Types 303A & 303 - 19-1013-017-1st
· Floor Plans and Elevations - Plots 13 & 14 - House Types 303A & 303 - 19-1013-018-1st
· Floor Plans and Elevations - Plots 15 & 16 - House Types 303A & 303 - 19-1013-019-1st
· Floor Plans and Elevations - Plots 17 & 18 - House Types 303A & 303 - 19-1013-020-1st
· Floor Plans and Elevations - Plot 19 - House Type 402 - 19-1013-021-1st
· Floor Plans and Elevations - Plot 20 - House Type 402 - 19-1013-022-1st
· Floor Plans and Elevations - Plot 21 - House Type 402 - 19-1013-023-1st
· Floor Plans and Elevations - Plot 22, 23 & 24 - House Type 202L & 303 - 19-1013-024-1st
· Floor Plans and Elevations - Plots 25 - 28 - House Type A2 - 19-1013-025-1st
· Floor Plans and Elevations - Plots 29 - 33 & 48 - 2BF Apartments - 19-1013-026-1st
· Floor Plans and Elevations - Plots 34 & 35 - House Type A3 - 19-1013-027-1st
· Floor Plans and Elevations - Plots 36 & 37 - House Type A3 - 19-1013-028-1st
· Floor Plans and Elevations - Plots 38, 39 & 40 - House Type 303A, 303 & 310 - 19-1013-029-1st
· Floor Plans and Elevations - Plots 41 & 42 - House Type 303A & 303 - 19-1013-030-1st
· Floor Plans and Elevations - Plots 43 - 47 - 2BA Apartments - 19-1013-031-1st
· Floor Plans and Elevations - Plots 50 - 53 - House Type 202L - 19-1013-032-1st
· Floor Plans and Elevations - Plots 56, 67 & 68 - House Type 303 & 202L - 19-1013-033-1st
· Floor Plans and Elevations - Plots 69 & 70 - House Type 303 - 19-1013-034-1st
· Floor Plans and Elevations - Plots 54 & 55 - House Type 303A & 303 - 19-1013-035-1st
· Floor Plans and Elevations - Plots 71, 72 & 73 - House Type A3 - 19-1013-036-1st
· Floor Plans and Elevations - Plots 57 & 58 - House Type 303 & 303A - 19-1013-037-1st
· Floor Plans and Elevations - Plots 59 & 60 - House Type 303 & 303A - 19-1013-038-1st
· Floor Plans and Elevations - Plots 61 - 66 - 1BF - 19-1013-039-1st
· Floor Plans and Elevations - Plots 74, 75, 76 & 82 - House Type A2 - 19-1013-040-1st
· Floor Plans and Elevations - Plot 77 - House Type 2BBb - 19-1013-041-1st
· Floor Plans and Elevations - Plot 78 - House Type 2BBb - 19-1013-042-1st
· Floor Plans and Elevations - Plot 79 - House Type 2BBb - 19-1013-043-1st
· Floor Plans and Elevations - Plot 80 - House Type 2BBc - 19-1013-044-1st
· Floor Plans and Elevations - Plot 81 - House Type 3BB - 19-1013-045-1st
· Floor Plans and Elevations - Plots 83, 85 & 86 - House Type 303 & 202L - 19-1013-046-1st
· Floor Plans and Elevations - Plot 84 - House Type 404 - 19-1013-047-1st
· Floor Plans and Elevations - Plots 87 & 91 - House Type 303 - 19-1013-048-1st
· Floor Plans and Elevations - Plot 88 - House Type 402 - 19-1013-049-1st
· Floor Plans and Elevations - Plot 89 - House Type 402 - 19-1013-050-1st
· Floor Plans and Elevations - Plot 90 - House Type 310 - 19-1013-051-1st
· Floor Plans and Elevations - Plot 92 - House Type 310 - 19-1013-052-1st
· Floor Plans and Elevations - Plots 93 & 94 - House Types 303 & 310 - 19-1013-053-1st
· Floor Plans and Elevations - Plots 95-98 - House Type 202L - 19-1013-054-1st
· Floor Plans and Elevations - Plots 99 & 49 - House Type 303 - 19-1013-055-1st
· Site Sections and Street Scenes - Sheet 1 of 3 - 19-1013-060-1st
· Site Sections and Street Scenes - Sheet 2 of 3 - 19-1013-061-1st
· Site Sections and Street Scenes - Sheet 3 of 3 - 19-1013-062-1st
· Garages Sheet 1 of 2 - Floor Plans & Elevations - 19-1013-065-1st
· Garages Sheet 2 of 2 - Floor Plans & Elevations - 19-1013-066-1st
· Boundary Wall and Fence Details - 19-1013-067-1st
· General Arrangement - LH5232-2002J
· External Materials Schedule (08/03/2019) - LHS232
· Surfacing Layout - LH5232-2004F
· Vehicle Tracking - LH5232-2007C
· Road Longitudinal Sections 99 Unit Scheme (Alternative Application) - LHS232-4010

· Road Construction Details 99 Unit Scheme (Alternative Application) - LHS232-4020
· Levels Design - LHS232-4003
· Lighting Strategy Layout - LHS232-4005
· Fire Hydrant Plan

· Soft Landscaping Proposals - LIN22349 11E Sheet 1
· Soft Landscaping Proposals - LIN22349 11E Sheet 2
· Soft Landscaping Proposals - LIN22349 11E Sheet 3
· Soft Landscaping Proposals - LIN22349 11E Sheet 4
· Soft Landscaping Proposals - LIN22349 11E Sheet 5
· Soft Landscaping Proposals - LIN22349 11E Sheet 6
· Hard Landscape Proposals - LIN22349 12 Sheet 1
· Hard Landscape Proposals - LIN22349 12 Sheet 2
· Hard Landscape Proposals - LIN22349 12 Sheet 3
· Hard Landscape Proposals - LIN22349 12 Sheet 4
· Hard Landscape Proposals - LIN22349 12 Sheet 5
· Hard Landscape Proposals - LIN22349 12 Sheet 6
· Play Area Proposals - LIN22349 12 Sheet 1
· Play Area Proposals - LIN22349 12 Sheet 2
· Open Space Proposals - LIN22349 21C
· Tree Protection Plan - LIN22349-03
· Arboricultural Impact Assessment & Method Statement - LIN2234aia-ams
· Soft Landscape Management & Maintenance Plan - LIN22349Man
· Soft Landscape Specification - LIN22349 Spec
· Energy Statement - August 2017

· Root Barrier Protection Detail - 99 Unit Scheme (Alternative Application) - LHS232-4013 Rev B
· Sections Through Existing Ditch and Proposed Headwall 99 Unit Scheme (Alternative Application) - LHS232-4012 Rev B
· Drainage Design 99 Unit Scheme - Sheet 1 (Alternative Application) - LHS232-4001 Rev B
· Drainage Design 99 Unit Scheme - Sheet 2 (Alternative Application) - LHS232-4002 Rev B
· Attenuation Basin Sections and Detail 99 Unit Scheme - LHS232-4011 Rev B
· Section Through Control Chambers and Attenuation Tanks - LHS232-4025 Rev B
· Control Chamber & Catchpit MH Construction Details - LHS232-1024 Rev D
· 99 Unit Scheme Urban Creep Areas (Alternative Application) - 5529:CA6 Rev A
· 99 Unit Scheme Catchment Areas (Alternative Application) - 5529:CA5 Rev A
· 99 Unit Scheme Catchment Areas + 10% Alternative Application - 5529:CA4 Rev B
· Sewer Construction Details 99 Unit Scheme (Alternative Application) - LHS232-4021
· Private Drainage Construction Details (Sheet 1 of 2) 99 Unit Scheme (Alternative Application) LHS232-4022
· Existing Ditch Layout 99 Unit Scheme (Alternative Application) - LHS232:4071
· S104 Agreement Plan - LHS232-10500 Rev F
· Foul & Surface Water Drainage Statement - KTG/18:00478/5529 (16th August 2019)
· SUDS Management & Maintenance Plan - KTG/18/0267/5529 Rev J (September 2019)
· Uplift Calculations - Attenuation Tanks 1 and 2 - 16.04.2019
· Uplift Calculations - Attenuation Tank 3 - 16.04.2019
· Uplift Calculations - Attenuation Tank 4 - 16.04.2019
· Uplift Calculations - Attenuation Tank 5 - 16.04.2019
· Uplift Calculations - Pond - Rev E 19.02.2019

Reason: For the avoidance of doubt and in the interests of amenity and the environment in

accordance with policy D DM1 of the Arun Local Plan.

3 Within 3 months of this approval the surface water drainage system shall be implemented in full to serve plots (Plots 1-8, 11-19, 23-24, 39-47). Prior to the occupation of any other plot the surface water drainage system to serve that dwelling shall be fully implemented and operational.

Prior to the occupation of the 99th dwelling the developer/applicant shall provide the local planning authority with as-built drawings of the implemented scheme together with a completion report prepared by an independent engineer that confirms that the scheme was built in accordance with the approved drawing/s and is fit for purpose. The scheme shall thereafter be maintained in perpetuity in accordance with the approved maintenance manual.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan.

4 The development hereby approved shall be implemented in accordance with the 'Construction Method Statement and Environmental Plan - LHS232/CEMP' and the measures identified shall be adhered to throughout the entire construction period.

Reason: In the interests of highway safety, the amenity of the locality and the environment in accordance with policies T SP1, D DM1 and ENV DM4 of the Arun Local Plan.

5 At all times during construction the measures specified within the 'Arboricultural Impact Assessment & Method Statement - LIN2234aia-ams' and ' Tree Protection Plan - LIN22349-03' shall be implemented and maintained.

Reason: In the interests of amenity in accordance with policies D DM1 and ENV DM4 of the Arun Local Plan.

6 No operational or construction vehicles shall be operated on the site except between the hours of:

8.00 and 19.00 on Mondays to Fridays inclusive
8.00 and 13.00 on Saturday
Not at any time on Sundays or Public Holidays

Reason: In the interests of amenity in accordance with Arun District Local Plan policies D DM1 of the Arun Local Plan.

7 No demolition, ground clearance or vegetation clearance works shall take place within the bird nesting season (between 1 March and 31 August inclusive in any year). If such works cannot be undertaken outside of the nesting season, a nesting bird check shall be required, which should be undertaken by a suitably qualified ecologist immediately prior to the works taking place. Subsequently if any active nest sites are identified, these nests should remain undisturbed until all the young have fledged naturally.

REASON: To minimise disturbance to nesting birds in accordance with policy ENV DM5 of the Arun Local Plan.

8 Landscaping (hard and soft) shall be carried out in accordance with the details shown on plans and all planting, seeding or turfing comprised in the approved details shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of

similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and of the environment of the development in accordance with policy D DM1 and ENV DM4 of the Arun Local Plan.

9 Visibility splays of 2.4 metres by 43 metres shall be provided at the proposed site vehicular access onto New Barn Lane in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety in accordance with policy D DM1 of the Arun Local Plan.

10 No dwelling shall be occupied until the car parking spaces to serve it have been constructed in accordance with the approved plans and details. These spaces shall thereafter be retained at all times for their designated use.

Reason: To provide car-parking space for the use of future residents in the interests of amenity in accordance with policy D DM1 and T SP1 of the Arun Local Plan.

11 No dwelling shall be occupied until covered and secure cycle parking spaces have been provided in accordance with drawings:

· Site Plan - Parking Strategy - 19-1013-009-1st
· Garages Sheet 1 of 2 - Floor Plans & Elevations - 19-1013-065-1st
· Garages Sheet 2 of 2 - Floor Plans & Elevations - 19-1013-066-1st

Reason: To provide alternative travel options to the use of the car in accordance with policy T SP1 of the Arun Local Plan

12 The development shall be carried out in accordance with the measures identified within the 'Travel Plan Technical Note (14 January 2019) - MS/ITB13052-007A TN'.

Reason: In the interests of amenity and the environment in accordance with policy T SP1 of the Arun Local Plan.

13 The ecological enhancement measures identified within the Ecological Assessment (6767.EcoAss.99unit.Alternative.vf1) will be provided on site within 1 month of full occupation of the dwellings hereby approved.

Reason: In the interests of the environment and biodiversity in accordance with policy ENV DM5 of the Arun Local Plan.

14 An electric vehicle charging Point shall be provided to serve each dwelling hereby approved (excluding plots 1-47) and 20% of all other parking spaces on site shall feature an electric vehicle charging point. The electric vehicle charging points to serve each individual dwelling shall be implemented and operational prior to occupation of the dwelling they serve and the communal charging points shall be implemented and operational prior to the occupation of the 99th dwelling.

Reason: New petrol and diesel cars/vans will not be sold beyond 2040, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with Policy D DM1 and Policy QE DM3 (c) of the Arun Local Plan and the NPPF.

15 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority

has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.