

REPORT UPDATE

Application No: BE/40/18/PL

Reason for the Update / Changes

Reason for Update/Changes:

1. Wording of Condition 4 amended to include "With the exception of enabling works..."
2. Consultation response received from Council's Tree Officer on the 10th June 2018.
3. Three additional Conditions, requested by the Council's Tree Officer, have been included in the recommendation. These conditions relate to trees.

Officers Comment:

1. Please see amended for Condition 4 on the amended recommendation sheet.
2. Please see below summary of the consultation response from the Council's Tree Officer;
 - A degree of RPA incursion on the south-east aspect is proposed, not exceeding 1m intrusion and this is acceptable. This will be accurately marked out at the time of our joint pre-commencement site meeting and define part of the Construction Exclusion Zone (CEZ).
 - The applicant will now need to ask their appointed Arboriculturist to submit a Tree Protection Plan that adequately protects the remaining RPA of T1-Oak throughout the duration of any development.
 - Facilitation pruning will be necessary, involving the careful reduction back of branches to achieve installation of tree protective fencing at the correct position.
3. Please see Conditions 8, 9 and 10 on the amended recommendation sheet.

Note: The changes to conditions are attached on the amended replacement recommendation sheet.

Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report.

Recommendation Report for Planning Permission

REF NO: BE/40/18/PL

LOCATION: Land West of
New Barn Lane
Bersted

PROPOSAL: New access from New Barn Lane to Land West of New Barn Lane & relocation of 5 No. existing parking spaces.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks planning permission for the creation of a new access from New Barn Lane to land to the west of New Barn Lane. The proposed access will serve the residential development previously approved at the site for the construction of up to 50 dwellings under reference BE/77/16/OUT.
SITE AREA	Approximately 0.15 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development. The proposed road has been designed to avoid the root protection area of T1.
BOUNDARY TREATMENT	The site extends onto the highway (New Barn Lane) before extending to the west into the field which is the subject of outline planning permission under reference BE/77/16/OUT. The eastern field boundary consists of low post and rail fencing with some limited hedgerow planting.
SITE CHARACTERISTICS	This is an open site to the West of Bersted located within a medium/small scale agricultural landscape. The site and surrounding undeveloped land to the west is flat with fields separated by hedgerows, some boundary trees and drainage ditches.
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. To the south-east of the site is the Jubilee recreation ground.

RELEVANT SITE HISTORY

BE/77/16/OUT	Outline application with all matters reserved for up to 50 residential units, landscaping, amenity space, car & cycle parking, roads, service & drainage infrastructure & other associated works. Departure from the Development plan.	Called In by DCLG/SD 09-01-17
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Appeal: Allowed+Conditions

Outline planning permission was granted, with all matters reserved, under reference BE/77/16/OUT for the construction of 50 residential units.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bersted Parish Council

OBJECTION

1. The proposed new entrance is unneighbourly to the bungalows (11-21 New Barn Lane) directly in front

of the access.

2. Loss of parking for those bungalows 19-21 New Barn Lane, removal of 5 spaces to a new location inside the development does not guarantee that they will get use of them and is contrary to Bersted Neighbourhood Development Plan Policy HDQ8 for accessible car parking.
3. Highway safety and traffic, as bungalows 11 to 17 have driveways that are in direct line with the proposed access which may cause safety issues.

Please note that the Parish Council does not agree to the proposed potential footpath shown on the masterplan for access into Jubilee Fields.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments from the Parish Council are noted and the following comments are provided in response;

- 1) The proposed access will serve a residential development and as such will generate traffic movement associated with such a use. The proposed road at its closest point will be situated at its closest point 10m from an existing residential property (15 New Barn Lane). It is considered that whilst the proposed access will generate some additional disturbance for the existing residential properties this disturbance will not go beyond that which could be expected in a residential area.
- 2) The parking provision forward of 15-21 New Barn Lane is informal on street parking with no allocated parking or defined parking spaces. Therefore, the proposal is not in conflict HDQ8 which states that developments which remove off street parking provision will not be supported unless alternative provision is made which increases or maintains the number of parking spaces. However, the developers have proposed to provide 5 no. off street spaces within the site which would mitigate against the loss of this on street parking provision.
- 3) The proposal has been considered by WSCC Highways who have raised no objection.

The proposed pedestrian access to Jubilee Fields does not form part of this application.

CONSULTATIONS

WSCC Strategic Planning

Highways England

Ecology Advisor

Arboriculturist

CONSULTATION RESPONSES RECEIVED:

WEST SUSSEX COUNTY COUNCIL (STRATEGIC PLANNING)

The Highway Authority have no objections to the proposed access arrangements but would look for a suitably worded condition to be included on any consent which requires the construction of the proposed access, as set out within the Pell Frischmann drawing entitled 'Proposed Access to New Barn Lane, drawing no. A13395-T-001, to be implemented prior to the occupation of any of the residential units it serves (associated with planning consent BE/77/16/OUT). The applicant should also be advised that they need to apply for the necessary post planning highway consent under section 278 of the Highways Act 1980.

HIGHWAYS ENGLAND

No comment.

ECOLOGY

- Can the applicant please confirm whether any hedgerow will need to be removed to facilitate the access to the site? If hedgerow does need to be removed/alterd then further surveys for dormice would be required.
- 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 the trees, hedgerows and building by avoiding unnecessary artificial light spill through the use of directional light sources.
- A precautionary approach should be taken within the site area with regards to reptiles. Site clearance should be conducted during the season reptiles are active and the vegetation should be cut down to 10cm prior to any works taking place and then carefully cleared. Any dead wood or rubble piles should be dismantled by hand and relocated.
- Any works to the trees or vegetation clearance on site should only be undertaken outside of the bird breeding season which takes place between 1st March - 1st October. If works are required within this time an ecologist will need to check the site before any works take place (within 24 hours of any work).

ENGINEERS (DRAINAGE)

Please apply standard conditions ENGD2B, ENGD4A and ENGD6A.

COMMENTS ON CONSULTATION RESPONSES:

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

POLICY CONTEXT

Designation applicable to site:

DEVELOPMENT PLAN POLICES

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

GEN14	Public Transport
GEN15	Cycling and Walking
GEN7	The Form of New Development
GEN8	Development and the Provision of Infrastructure

[Publication Version of the Local Plan \(October 2014\):](#)

D DM1	Aspects of Form and Design Quality
D SP1	Design
ENV DM4	Protection of Trees

[Bersted Neighbourhood Plan 2014 Policy ES1](#) Design of new development

Bersted Neighbourhood Plan 2014 Policy ES7 Development outside of the Built Up Area Boundary

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

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

A new local plan is in preparation and is a material consideration when determining Planning

Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification. The examination was completed in September 2017.

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

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton.

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 in 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 conflict with relevant Development Plan policies in that it be situated outside of the built up area boundary. However, it is considered that the proposed development would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there material considerations which warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

BACKGROUND

The original outline approval under reference BE/77/16/OUT reserved all matters (including access) and proposed access via the neighbouring development approved under reference BE/18/17/PL. However, this application seeks to secure an independent access which will provide security for any future developer and avoid a ransom situation from occurring.

PRINCIPLE

The proposed application will provide vehicular access for a residential development which benefits from outline permission under reference BE/77/16/OUT. Therefore, it is considered that the principle of the development hereby proposed is acceptable.

DESIGN AND VISUAL AMENITY

The proposed access road will serve land to the west of New Barn Lane and will be located to the west of 11, 15, 17, 19 and 21 New Barn Lane. The proposed access road will measure 5.5m in width and by virtue of its design is considered to appear in keeping with the established residential character of the locality.

The proposed access road measures 5.5m in width and will be of a suitable scale and appearance to reflect the character of the locality as well as the previously approved outline proposal.

Therefore, it is considered that the proposed access road will not adversely impact upon the established character of the locality in accordance with policy GEN7(ii) of the Arun District Local Plan, ES1 of the Bersted Neighbourhood Plan and D DM1 of the emerging Arun Local Plan.

RESIDENTIAL AMENITY

The proposed road by virtue of its position will be located a minimum of 10m from the nearest residential property (15 New Barn Lane). The existing spur is part of the adopted highway and provides on road parking provision and vehicular access for the existing residential properties (11, 15 and 17 New Barn Lane).

It is considered that the proposed access will not result in unacceptable harm to the residential amenity of these existing properties. Whilst, it is acknowledged that the proposed access road will serve the proposed development of 50 residential units, it is considered that the disturbance generated by the proposal will not exceed that which would be expected in a residential area. Therefore, the proposal will not give rise to unacceptable harm to residential amenity and is deemed to accord with policy GEN7(iv) of the Arun District Local Plan and DM1(3) of the emerging Arun Local Plan.

HIGHWAY SAFETY AND PARKING PROVISION

The proposed access will be in the form of a priority T-junction with a carriageway width of 5.5m and footways located on both sides of the road. The existing vehicular access points associated with 11, 15 and 17 New Barn Lane are to be retained in their current locations.

The proposed access has been considered by WSCC Highways and no objection has been raised in relation to the proposed access. It was identified within their consultation response that visibility splays in accordance with recorded vehicle speeds for the road were demonstrated in accordance with guidance contained within the Manual for Streets.

It was also identified that the proximity of the proposed access to the access already consented at the adjacent site (BE/18/17/PL) was in accordance with the junction spacing guidance contained within the

Chartered Institute of Highways & Transportation produced Manual for Streets 2. Therefore, it has been identified that the proximity of these junctions does not warrant refusal of the application. The proposed access has also been the subject of a Stage 1 Road Safety Audit (RSA).

The proposed development will prevent the use of the existing spur and grass verge as additional parking provision. However, the proposal includes the provision of 5 no. off street parking spaces within the proposed development site. It is acknowledged that these spaces will not always be available to existing residents of New Barn Lane. However, it has been identified by WSCC that given the level of on-street parking provision available within the locality this does not justify refusal of the planning application.

An objection has been raised by the Parish Council concerning the proposals conflict with policy HDQ8 of the Bersted Neighbourhood Plan. Policy HDQ8 states that developments which removes off-road parking spaces will not be supported unless alternative provision is made which increases or maintains the number of parking spaces.

However, the spur is adopted highway and no formal off-road allocated parking is provided in this location. As such, the proposed development does not result in the loss of any off-street parking spaces but will provide 5 additional spaces to the north of the proposed access road resulting in a net increase of off-road parking provision in the locality.

Therefore, it is considered that the proposed development would accord with policy GEN7(vii) of the Arun District Local Plan and Paragraph 32 of the NPPF and will not conflict with policy HDQ8 of the Bersted Neighbourhood Plan.

DRAINAGE

The Council's Drainage Engineers have been consulted in relation to this development and no objection has been raised. Conditions were identified and requested for inclusion and these have been incorporated into a single condition in line with the original outline approval under reference BE/77/16/OUT.

SUMMARY

The proposed vehicular access to serve the outline planning approval under reference BE/77/16/OUT will not give rise to any unacceptably adverse harm to the visual or residential amenities of the locality. Nor will the proposal result in highway safety concerns or result in the loss of off-road parking provision. Therefore, the proposed development is deemed to accord with relevant development plan policies and is recommended for approval subject to the below conditions.

HUMAN RIGHTS ACT

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

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

report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby 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;

- Location Plan - A13395-T-005 Rev C
- Proposed Access to New Barn Lane - A13395-T-001

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

- 3 Development shall not commence until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the local planning authority, and which shall include;

- The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDs Manual Produced by CIRIA. Winter groundwater monitoring to established highest annual ground water levels and percolation testing to BRE 365, or similar approved, will be required to support the design of any infiltration drainage.

- The development shall not proceed until formal consent has been approved in writing from the Lead Local Flood Authority (WSCC) or its agent (ADC) for the discharge of any flows to watercourses, or the culverting, diversion, infilling or obstruction of any watercourses on the site. Any discharge of watercourse must be at a rate no greater than the pre-development run off values.

- Arrangements for future access and maintenance of any watercourse or culvert (piped watercourse) crossing or abutting the site.

No building approved under reference BE/77/16/OUT shall be occupied until the complete surface water drainage system serving the access has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7, GEN9 and GEN11 of the Arun District Local Plan and the National Planning Policy Framework. It is considered necessary for this to be a pre-commencement condition to ensure that the surface water disposal scheme is agreed before construction commences and to protect existing watercourses prior to development commencing.

- 4 With the exception of enabling works the development approved under reference BE/77/16/OUT shall not be commenced until such time as vehicular access to the site has been provided in accordance with the details specified on drawing no. 'A13395-T-001'.

Reason: In the interests of amenity and to avoid unacceptable harm to highway safety in accordance with policy GEN7 of the Arun District Local Plan. It is considered necessary for this to be a pre-commencement condition to ensure site access is provided during construction.

- 5 The use of the new access shall not commence until visibility splays of 2.4 metres by 43 metres have been provided at the proposed vehicular site 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 metres above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of amenity and to avoid unacceptable harm to highway safety in accordance with policy GEN7 of the Arun District Local Plan and the National Planning Policy Framework.

- 6 Prior to the occupation of any dwelling approved under reference BE/77/16/OUT a street lighting scheme shall be submitted and approved in writing by the Local Planning Authority. This scheme must comply with the Institute of Lighting Engineers Guidance Notes for the reduction of obtrusive light.

Reason: To enable the LPA to control the development in detail in the interests of residential amenity and in accordance with GEN7 of the Arun District Local Plan and also to ensure there is no impact on bats within the vicinity of the site.

- 7 Development shall not commence until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. Thereafter, the approved plan shall be implemented and adhered to throughout the entire construction period. The plan shall provide details as appropriate but not necessarily restricted to the following matters;

- The anticipated number, frequency and types of vehicles used during construction;
- The method of access and routing of vehicles during construction;
- The parking of vehicles by site operatives and visitors, the load and unloading of plant, materials and waste;
- The erection or maintenance of security hoarding;
- The provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders);
- Details of public engagement both prior to and during construction works;
- No operation or construction vehicles shall be operated on the site except between the hours of;
 - 0700 and 1900 on Monday to Fridays inclusive
 - 0700 and 1300 on Saturdays
 - Not at any time on Sundays or Public Holidays
- Details of a precautionary approach for site clearance concerning reptiles. Site clearance

should be conducted during the season reptiles are active and the vegetation should be cut down to 10cm prior to any works taking place and then carefully cleared. Any dead wood or rubble piles should be dismantled by hand and relocated.

Reason: In the interest of residential amenity and highway safety in accordance with policy GEN7 of the Arun District Local Plan and the NPPF. It is considered that this condition must be pre-commencement to ensure that these details are agreed prior to development commencing on site to minimise the impacts upon residential amenity of nearby residential properties and highway safety.

- 8 Prior to the commencement of development, a Tree Protection Plan (TPP) shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. The TPP shall include details of the specification and location of tree and hedgerow protection by a fence in accordance with BS5837 (2012).

Reason: To ensure the protection of retained trees and vegetation which is an important feature of the area in accordance with policy GEN7 of the Arun District Local Plan.

- 9 Prior to any construction works taking place or the introduction of any machinery and plant to the site, the following issue must be resolved to our satisfaction:-

· A pre-commencement site meeting is to take place between the Arun DC Tree Officer and the Arboricultural Expert representing the site owners - at this meeting protective fencing will be inspected - this will be assessed to verify it is 'Fit for Purpose' as required under British Standard 5837 (2012) and has been erected and positioned exactly as shown on the Tree Protection Plan (as required by condition 8).

Reason: To comply with BS5837 and to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality are not compromised so they can continue to enhance the landscape and amenity of the area.

- 10 Tree pruning work must be carried out by an experienced and competent Arborist. Where branches are to be shortened back the final cuts are to be made at the correct angle shown in BS3998:2010 and adjacent to a live bud or lateral.

Reason: In the interests of the trees continued health and vitality and to accord with current industry guidelines and sound arboricultural practice to ensure the retention of the trees which make an important contribution to the locality in accordance with policy GEN7 of the Arun District Local Plan.

- 11 INFORMATIVE: The applicant is advised to enter into a legal agreement with West Sussex County Council Highway Authority, to cover the off-site highway works. The applicant is requested to contact the Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

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

- 13 INFORMATIVE: This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost,

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

- 14 **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.