

Recommendation Report for Planning Permission

REF NO: BE/48/25/PL

LOCATION: Rear of Regal House And Wayside
Shripney Road
Bognor Regis
PO22 9NP

PROPOSAL: 7 No. residential dwellings and associated works including new access. This application is a Departure from the Development Plan and is in CIL Zone 3 and is CIL Liable as new dwellings.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to erect 7 No. dwellings with associated works including a new access.
	The dwellings would consist of 1 x 2 bed, 3 x 3 bed and 3 x 4 bed properties.
TOPOGRAPHY	The site is predominantly flat, albeit set higher than the adjacent A29 with the existing driveway sloping upwards from the main road.
TREES	There is a line of mature trees along the eastern boundary which provide screening from the adjacent countryside, alongside smaller individual trees elsewhere within the site boundary.
BOUNDARY TREATMENT	The rear boundary is largely open bar the mature trees along its length and with a drainage ditch between the boundary and the adjacent field. Side boundaries largely consist of hedging and various planting.
SITE CHARACTERISTICS	This is a large rectangular site extending back from the frontage with the A29. There is a detached two storey pitched roof dwelling with an integrated single storey low pitched roof annexe to the front of the site. To the southern side of the dwelling there is a detached garage with associated gravel hardstanding which links to the hard surfaced driveway running up the side of the site from the A29. Garden lawn extends back from the existing house for a distance of between 100 and 125m.
CHARACTER OF LOCALITY	The site is in a semi-rural location on the A29 (Shripney Road). There is some sporadic residential development characterised by detached dwellings in large plots on the east side of the Shripney Road with open countryside to the rear. Properties along Shripney Road have a mixed building line and some extend back into their respective gardens. There is no clear architectural style or local vernacular.

RELEVANT SITE HISTORY

PAA/35/24/	7 No. residential dwellings and associated works including new access.	Approve Pre App 03-07-24
BE/71/23/PL	9 No. residential dwellings and associated works including a new access. This application is in CIL Zone 3 and is CIL liable as new dwellings, and is a Departure from the Development Plan. (Resubmission of BE/102/22/PL).	Refused 21-08-23 Appeal: Dismissed 07-05-24
BE/86/24/PL	Erection of 7 No. residential dwellings and associated works including new access. This application is in CIL zone 3 and is CIL liable as new dwellings. This application is a departure from the Development Plan.	Withdrawn 25-11-24

BE/102/22/PL was withdrawn to allow for the submission of additional information to address outstanding objections/concerns in relation to residential amenity, trees and surface water drainage.

BE/71/23/PL was refused for 9 dwellings due to harm upon amenity, trees and in the absence of suitable drainage information. This was subsequently refused on appeal due to the harm caused upon the trees.

BE/86/24/PL was withdrawn following concerns from the ADC drainage engineers with regards to the drainage strategy proposed.

REPRESENTATIONS

Bersted Parish Council provided no objection to the revised plans but members feel the access is too close to Orchard Place and may cause highway issues.

No representations received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted and addressed in the conclusion.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ADC Ecology - No objection subject to conditions regarding lighting and the securing of BNG details.

Environmental Health - No objection subject to conditions regarding lighting, hours of construction, noise and unexpected contamination.

WSSC Highways - No objection subject to conditions regarding a construction management plan, parking and access.

Archaeology - No objection subject to a condition for a scheme of investigation works.

Tree Officer - No objection subject to conditions and informatives.

ADC Drainage - No objection subject to conditions.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Area of Special Advert Control
Tree Preservation Order
Outside Built Up Area Boundary
Flood Zone 2 and 3
Archaeological Notification Area

DEVELOPMENT PLAN POLICIES

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

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
QESP1	QE SP1 Quality of the Environment
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems

Bersted Neighbourhood Plan 2014 Policy ES1	Design of new development
Bersted Neighbourhood Plan 2014 Policy ES2	Surface water management
Bersted Neighbourhood Plan 2014 Policy ES5	Building design
Bersted Neighbourhood Plan 2014 Policy ES6	Protection of trees
Bersted Neighbourhood Plan 2014 Policy HDQ2	Integration of new housing
Bersted Neighbourhood Plan 2014 Policy HDQ6	Outdoor space
Bersted Neighbourhood Plan 2014 Policy HDQ7	Attention to detail
Bersted Neighbourhood Plan 2014 Policy HDQ8	Car parking

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
SPD13	Arun District Design Guide (SPD) January 2021

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan 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.

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 C SP1 as it is located outside of the built up area boundary.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) 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,
 - (aza) a post examination draft neighbourhood 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.

OTHER MATERIAL CONSIDERATIONS

There are other material considerations to be weighed in the balance with the Development Plan which are discussed below.

BIODIVERSITY NET GAIN

This application is liable for Biodiversity Net Gain (BNG) and the following is a summary of the key points:

- 18.96% gain to habitats
- 38.45% increase on hedgerow units.

CONCLUSIONS**PLANNING HISTORY**

An application for 7 dwellings was refused in August 23 and dismissed on appeal in May 24. The refusal reasons related to the protection of trees and their impact on neighbouring amenity and drainage of the site. The appeal upheld the first refusal reason which related to the protection of the trees on site.

A subsequent application which reduced the number of properties and removed those which were considered by way of their siting to give rise to harm upon the trees. During this application it was determined that the drainage strategy proposed was insufficient and it was withdrawn as there were

changes to the drainage requirements. This application seeks the same design but has provided additional drainage information to support an alternative discharge method.

PRINCIPLE

Policy C SP1 states residential development in the countryside outside the BUAB will not be permitted unless it accords with policies in the plan which refer to a specific use or type of development. None of these relate to the proposal. Policy SD SP2 states development should be focused in the BUAB. The application conflicts with ALP policies C SP1 and SD SP2 located outside of the built up area boundary.

Bersted has a Neighbourhood Plan (BNDP). Policy ES7 states development outside of the BUAB will not be supported. The site lies outside the boundary and conflicts with this policy. Policy HDQ3 for Windfall Sites states permission will be granted for small residential developments on infill and redevelopment sites in the Parish, but this is to be subject of the other policies in the Plan. As the development conflicts with ES7, it cannot comply with HDQ3.

The development would not fall within any of the permitted countryside uses and conflicts with policy C SP1 of the ALP and ES7 of the BNP and as such the principle of development on the site is contrary to the development plan.

In January 2025, the Council published its Authority Monitoring Report (AMR). This states the 5-year housing land supply (HLS) is now at 3.41 years. Given this position, the policies most relevant to the determination of the application have reduced weight.

In February 2021, Arun published an Interim Statement Policy for Housing Delivery (IHS). This is not policy but was produced as a guide for developers proposing development on sites outside the BUAB and to inform decisions. The IHS sets out criteria to help speed up determinations of suitable residential developments. The proposal meets all but one of the criteria (the exception being the site is not in the BUAB) and scores highly against the criteria. The site is in close proximity (85m) to the BUAB.

The NPPF is an important material consideration in determining applications. As the council cannot demonstrate a 5-year HLS, para 11(d) of the NPPF and the application of the 'presumption' for sustainable development would potentially be triggered. This states where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date (including for applications involving the provision of housing where a 5-year HLS cannot be demonstrated), planning permission should be granted unless (i) the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or (ii) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF 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'. Paragraph 8 of the NPPF sets out the three objectives of 'sustainable development'; economic, social and environmental. The proposal is in close proximity to the BUAB, with pavements for access to shops and services and a cycle lane for sustainable transport methods. The issue of accessibility / sustainability of location was also considered at the nearby appeal site 'Land to the east of Shripney Road' (appeal ref. APP/C3810/W/20/3264105) where the Inspector commented that whilst the village of Shripney has limited facilities, the pedestrian routes, bus services, and the potential for cycling did offer the potential for some trips to be made by sustainable modes. The site is similarly serviced and therefore the Inspector's comments are material and support the conclusion that the site is a sustainable location in transport terms. The scheme meets the economic, social, and environmental aspects of sustainable development and the presumption in favour of sustainable development is engaged.

The planning balance is discussed at the end of the report.

DESIGN AND VISUAL AMENITY

ALP policy D DM1 and D SP1 relates to character and design. Policies ES1 and HDQ5 of the Bersted Neighbourhood Development Plan (BNDP) seeks to ensure that all new development is high quality design and contributes to the local character by creating a sense of place appropriate to its location. BNDP policy HQ2 requires that new homes are well connected to the surrounding area and visually integrated with their surroundings.

The development would be largely screened from view from the road, being set back behind the existing dwelling 'Regal House'. Plot 7 is likely the only visible property from Shripney Road due to the position fronting the access road, although is set back 65m.

The access would be situated to the western boundary and is already in existence although would be widened. This would extend north through the site with a turning head towards the rear.

The seven dwellings are all detached, apart from two which are link detached via their garages, situated predominately to the north and south boundaries. The dwellings are two-storey with dormer roof features. The layout and dwelling designs are appropriate to the surrounding area. The parking is to the side of the dwellings and with some garden space retained it does not appear a dominant feature when entering the site.

Section P of the Arun Design Guide (ADG) refers to infill development and states that the scheme should emulate the established pattern of building height, scale, plot width, boundary treatment. Consideration must be given to effects on the character and appearance of the streetscape and how this may be enhanced or preserved. The ADG suggests a density for village locations of 15-25 dwellings per hectare for detached/semi-detached houses. The density for this development would be 17dph. This would accord with the guidance and the built form is comparable with the adjoining development and does not appear cramped or as an overdeveloped. This layout responds well to the prevailing character of the area.

There is no detail with regards to the materials for the dwellings and this will be conditioned for submission to ensure the appropriate materials are used which are sympathetic to the local area. A small seating area is proposed with benches to the rear of the site on area of green space between the dwellings and the trees to the rear boundary. A detailed landscaping plan will be conditioned. A condition will be included for details of fencing/boundary treatment.

The overall layout and siting of the development appears acceptable and would not result in harm upon the character of the area in accordance with ALP policy D DM1, the BNDP and the ADG.

RESIDENTIAL AMENITY

Policy D DM1 of the ALP states that development should have minimal impact upon the users and occupiers of nearby property and land by avoiding significant loss of sunlight, privacy and outlook, and unacceptable noise and disturbance.

The access road would run from the southwestern boundary of the site and being some 15m from Regal House it is unlikely to result in excessive noise and disturbance by coming and goings on the site. With regard to neighbouring amenity, the dwellings would be set back from the existing Regal House dwelling to the west and from the 'Wayside' to the north. The nearest dwelling would be relatively close to the rear (eastern) boundary of Regal House retaining only 1m however there is 23m retained to its rear building line and with the dwelling side facing, it would not result in adverse harm. There is a first floor bathroom window to its side elevation and this will be obscured to prevent overlooking.

The rear elevations of Plots 1-4 would be positioned towards the southern boundary of Wayside. The area to the rear serves predominately as a large parking area, which in conjunction with the distance of the dwellings from the boundary and the siting of the dwelling at Wayside, there would be adequate separation to ensure there is no adverse harm.

The development would be visible from existing properties to the south at 1 and 4 Orchard Place which are in close proximity to the access road into the site. They may be subject to additional coming to and goings however this would not be significant. Plot 7 is positioned next to No. 7 Orchard Close, however the rear elevation of the dwelling does not intersect a 45 degree angle when viewed from rear facing windows and its siting is not deemed to result in adverse overbearing or overshadowing.

The ADG provides recommended separation distance between dwellings. This states 14m should be retained between the front to side of properties. Plots 2 and 3 are slightly short of this retaining only 11m to the side elevation of Plot 6 however with the road running between the properties, this is acceptable. All other distances are in compliance.

In previous applications, there were concerns that significant trees to the rear east boundary would give rise to overshadowing and harm to the living conditions of amenity. This was not upheld at appeal however 2 plots, those closest to the rear of the site have since been removed and there are no longer concerns regarding the impact that trees may have on amenity.

Due to the siting of the properties, they would not give rise to significant harm upon amenity in accordance with ALP policy D DM1.

SPACE STANDARDS

ALP policy D DM2 states that the planning authority will require internal spaces to be of an appropriate size and that the Nationally Described Space Standards apply. BNDP policy HDQ6 requires adequate private outdoor space for all new dwellings.

All dwellings comply with the Technical Housing Standards minimum sizes and would provide acceptable internal accommodation.

The supporting text to ALP policy D DM2 refers to the Arun Design Guide SPD which include guidance on external space standards, and the need for applications to have regard to include adequate provision of private external space.

Policy H.04 of the Arun Design Guide SPD advises that outdoor amenity spaces should be of an appropriate size and shape and be usable and enjoyable. It states that rear gardens should have a minimum depth of 10.5m and buildings should be set back by 2m from the plot boundary to mark defensible space.

All of the gardens meet or exceed the 10.5m guidance and all are set back with 2m retained from the front boundary.

The proposal complies with ALP policy D DM2, the ADG and the BNDP.

PARKING AND HIGHWAY

Policy T SP1 of the ALP supports development which incorporates appropriate levels of parking in line with the West Sussex County Council guidance on parking provision. BNDP policy HDQ8 requires adequate parking on site.

Regard should be had to para 116 of the NPPF which states: "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe".

The site is considered a sustainable location in transport terms due to the proposed crossing, the continuous footways in situ, and proximity of bus stops which provide connectivity to Bognor and Barnham train stations and nearby amenities and facilities. There is also a cycle path which extends towards Bognor Regis.

The development would be accessed by adapting / enlarging the existing access. A 5.5m wide access road and a 1.8m pavement is proposed. The access and crossing was subject to a Stage 1 Road Safety Audit and the recommendations have been incorporated into the development design. Site access and pedestrian visibility splays are achievable at 120m. Swept path analysis also shows a refuse vehicle can access and regress the site in forward gear.

The ADC Parking Standards for a property in this type of location (Parking Behaviour Zone 2) requires an expected level of 2 parking spaces for each 2 and 3 bed dwelling and 3 parking spaces for each 4 bed property. A total of 17 spaces are required. The 2/3 bed properties all have 2 parking spaces and comply with requirements. The garages do meet the minimum size requirements in the SPD of 6m x 3m internally and are counted as 0.5 of a space. One of the 4 bed properties has 2 spaces and a double garage which at 0.5 each would result in a total of 3 spaces. The remaining two 4 bed properties have 2 spaces and a garage each and would have 2.5 spaces not 3 and are slightly short of requirements.

Visitor parking will be required to be provided at a ratio of 20% of the total number of residential units. Two visitor parking spaces for proposed which complies with standards.

Electric vehicle charging points at a rate of 1 charging point per house with a garage or parking space should be provided, as per the ADC Parking SPD. In terms of cycle parking, ADC Parking Standards require 2 cycle spaces for each 3+ bed house to be provided on-site. Cycle storage should be undercover, secure, and easily accessible to occupants. No details of electric chargers or cycle storage are shown, however this will be secured via condition.

WSCC highways have no objection to the proposal.

Whilst it is acknowledged there is minor shortfall in parking provision by 1 space this would not result in adverse harm upon the highway and the proposed development is acceptable in transport terms in accordance with ALP policies T DM1 and T SP1.

FLOOD RISK

The majority of the site is in Flood Zone 1 with low probability of flooding, however the north-eastern corner of the site is within Flood Zones 2 and 3. None of the dwellings are within the current flood risk areas, although the whole site is at risk of flooding from climate change 2111.

ALP policy W DM2 states that development in areas at risk from flooding, will only be permitted where all of the following criteria have been satisfied:

- a. The sequential test in accordance with the National Planning Policy Guidance has been met.
- b. A site specific Flood Risk Assessment demonstrates that the development will be safe, including access and egress, without increasing flood risk elsewhere and reduce flood risk overall.
- c. The sustainability benefits to the wider community are clearly identified.
- d. The scheme identifies adaptation and mitigation measures.
- e. Appropriate flood warning and evacuation plans are in place; and
- f. New site drainage systems are designed to take account of events which exceed the normal design standard i.e. consideration of flood flow routing and utilising temporary storage areas.

Paragraph 175 of the NPPF states: 'The sequential test (ST) should be used in areas known to be at risk now or in the future from any form of flooding, except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk). The access on Shripney Road is subject to flood risk from Rivers and Sea. As such a sequential test is required.

The PPG was updated in September 2025 which limits the need for sequential test if the site is at risk of surface water flood risk. The site is not at risk of surface water flooding and it is not relevant in this case. It states 'The sequential test should be applied proportionately, focusing on realistic alternatives in areas of lower flood risk that could meet the same development need.'

A ST has been submitted, which details a search for alternative sites in the location area which are listed on the Council's Brownfield Register. Five sites are identified; however each site is either undevelopable or is a site for a development of 20 units or more, larger than the development which is proposed. This evidence suggests that there are no reasonably available sites available to accommodate the development. The sequential test is limited in scope and assessment, however the assessment does consider alternative sites and was considered acceptable under the previous application and is passed.

The dwellings have been laid out in such that none of them are within the areas of flood risk. The FRA has confirmed that flood resilient measures will be in used. The EA commented on the previous application and had no objection subject to a condition to secure floor levels and as the proposal is for the same development, these comments remain relevant to this application and a condition will be applied.

The proposal would not result in an increase in flood risk in accordance with relevant policies.

DRAINAGE

In regard to surface water drainage, ALP policy W DM3 and BNDP policy ES2 require new development make appropriate provision for accommodating the surface water arising from the development including through the use of sustainable urban drainage systems (SuDS).

BE/71/23/PL was refused as it did not adequately demonstrate that the development could be safely and adequately drained. During the appeal, the appellant had, amongst other things, revised its surface water drainage strategy, provided winter borehole monitoring data including an additional month, and carried out infiltration tests. The Inspector considered that a drainage strategy that was reliant entirely upon infiltration could be achieved within the site, without the need for built infrastructure within the RPA of the trees on site. A condition to deal with drainage was determined acceptable should the application had been approved.

The drainage information was submitted alongside the previous application (BE/86/24/PL) however ADC drainage retained an objection. Since the determination of the appeal, there has been a change to the guidance. The drainage strategy proposed for the development was no longer achievable as the groundwater monitoring evidences that it will not be possible for the applicant to achieve a 1m freeboard of unsaturated ground between the base of infiltration features and the peak groundwater level. The SuDs Manual offers no flexibility on this minimum freeboard allowance and the proposed infiltration design was unacceptable. An alternative disposal method was therefore required as infiltration was no longer an achievable strategy.

The drainage strategy refers to the topography of the site which suggests a gentle slope towards a

watercourse to the rear east. The site is likely to naturally drain to this boundary and the design strategy should do the same. The proposal now seeks to discharge surface water via 2 methods through a controlled discharge to WSCC highway drain on Shripney Road and part discharge to a watercourse to the eastern boundary of the site. There will be an underground storage via geocellular tanks and permeable paving with a controlled discharge rate of 1l/s via an existing southern water manhole. The use of permeable paving will ensure that run off from the site will receive a level of treatment required by the SuDS manual.

Southern Water records identify an existing public foul sewer within the vicinity of the site. A new connection is intended to be made to service this development.

ADC Drainage Engineers have no objection to the discharged methods and they have confirmed that any expected alterations would and could be achieved with the confines of the layout and through conditions. WSCC Highways have confirmed an agreement in principle to the highway drain to the front of the site. Pre commencement conditions have been agreed.

Subject to conditions, the proposal has demonstrated that it can be suitably drained and is in compliance with Arun Local Plan policy W DM3 and ES2 of the BNDP.

BIODIVERSITY

ALP Policy ENV DM5 states development schemes shall seek to achieve a net gain in biodiversity and protect habitats on site.

The site comprises one building, a vegetated garden and hardstanding. The site contains no high value habitat but provides some suitable habitat for bats and breeding birds.

A line of trees makes up the eastern site boundary formed of 6.No mature Poplar trees, 1No Oak and, 1No Ash, and 1No Sycamore. A hedgerow of 48m makes up the southern boundary and is of site value. No trees on site were identified as having any level of boot roost suitability. No waterbodies were identified within 500m of the site. There was some low level nesting opportunities within the boundary hedgerow although no nests were noted.

Ecological enhancements are noted which includes:

- Bat boxes to the eastern boundary trees and southern elevation of the new dwellings.
- Bird boxes to the north of the dwellings.
- Additional planting for pollinators.
- Additional native hedgerow planting to the southern and eastern boundary.
- Incorporation of hedgerow holes in garden fences.
- Planting of No. 6 native urban trees.

Full details and locations of the ecological enhancements will be conditioned.

The development also requires a mandatory 10% net gain to be made. The biodiversity net gain assessment that has been submitted state the ecological enhancements that are provided will deliver a 18.96% gain to habitats and 38.45% increase on hedgerow units. This is through the creation of neutral grassland, trees, and hedge planting.

The site delivers a net gain on site and the ecological enhancements will be secured with condition and complies with ALP policy ENV DM5.

TREES

Policy ENV DM4 seeks to protect important trees. BNDP policy ES6 states that development which

damages or results in the loss of trees of arboricultural and amenity value will be resisted.

The trees to the eastern boundary namely 1 No Oak and 6 Poplars are subject to a Tree Preservation Order (TPO) TPO/BE/2/18.

High value trees to the east of the applicant's site are outside of the developable area. Robust protective fencing will need to be installed along this line to form a construction exclusion zone. Trees of low quality and negligible landscape value are to be removed.

The layout has been revised following the previous appeal decision and the proposal has removed 2 plots that were situated closest to the TPO trees to the rear boundary. Following this, the layout of the site would not result in adverse harm upon the RPA of the trees nor would the location of the dwellings result in a loss of amenity by overshadowing nor that of the trees by pressure to prune.

There are 3.No U grade trees proposed for removal. These are of low quality and negligible landscape value and their removal is reasonable and would not incur undue detriment to the visual amenity of surrounding area.

The tree officer has been consulted and has no objection to the proposal.

Subject to conditions, the proposal complies with ALP policy ENV DM4 and policy ES6 of the BNDP.

SUMMARY

The NPPF presumption in favour of sustainable development states where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date (including for applications involving the provision of housing where a 5-year HLS cannot be demonstrated), planning permission should be granted unless (ii) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole. Paragraph 14 of the NPPF is not applicable as the BNDP is over 5 years old.

With regards to part (ii) of the test, the report identifies that the proposal conflicts with policies in respect of development in the countryside. This harm is reduced as the site is in walking distance to the BUAB being some 85m away.

The site is sustainable, and the scheme will result in benefits to the local and wider area from the provision of new housing, the creation/retention of construction jobs, spending by future residents on local shops/services.

Taking into consideration the tilted balance as required by paragraph 11d and weighing all matters together, given the minor harm attributed to its location and the benefits, it is concluded that the adverse impacts do not significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole and the application is recommended for approval subject to the following 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.

CIL DETAILS

This application is CIL liable, therefore, developer contributions towards infrastructure will be required (dependent on any exemptions or relief that may apply).

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 and Block Plan - SL-28A
- Proposed Site Layout Plan - SL-30F
- House Type A1 (Plot 1) Plans and Elevations - BL-41
- House Type A (Plot 2,6,7) Plans and Elevations - BL-40
- House Type B (Plots 3 and 4) Plan and Elevations - BL-42
- House Type C (Plot 5) Plans and Elevations - BL-44 B

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Arun Local Plan policies D DM1 and D SP1.

- 3 Before any machinery is introduced to the site or construction work takes place, a brief written report (with supporting photographic evidence) is required from the Arboricultural Consultant representing the site owner(s), confirming and demonstrating that all ground protection and protective fencing has been assessed and is 'Fit for Purpose' as required under British Standard 5837:2012, erected and positioned exactly as shown on the Tree Protection Plan, dwg. WTP2.

Reasons: To comply with BS5837:2012 and ensure the retention and maintenance of trees and vegetation which are an important feature of the area, in accordance with Policy D DM1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition as the protection and retention of trees goes to the heart of the planning permission.

- 4 Prior to the commencement of development, full details of the proposed surface water drainage scheme must be submitted and approved in writing by the local planning authority. The full details submitted for approval shall include:

- 1, Winter groundwater monitoring,
2. Winter infiltration testing strictly in accordance with BRE DG 365 or similar approved,
3. Details of the proposed method and location of surface water disposal, in accordance with the SuDS hierarchy,
4. Contributing area plans,
5. Calculations modelling the surface water drainage network for the following storm events:
 - a. 100% Annual Exceedance Probability
 - b. 10% AEP + climate change allowance
 - c. 3.3% AEP + climate change allowance
 - d. 1% AEP + climate change allowance

All storm events must include an allowance for urban creep and surcharged outfalls where appropriate,

6. Detailed drainage plans conforming to Local Planning Authority guidance,
7. Specifications for all surface water drainage components and associated infrastructure or flow control mechanisms,
8. Any relevant permissions relating to the discharge location, works to watercourses or adoption of the SuDS scheme.

The scheme shall then be constructed as per the approved plans. The surface water drainage scheme shall remain for the lifetime of the development unless agreed in writing by the local planning authority."

Reasons: To ensure that the proposed development is satisfactorily drained and in accordance with Arun Local Plan policies W SP1, W DM1, W DM2 and W DM3. This is required to be pre-commencement to ensure that drainage is dealt with prior to construction.

- 5 Prior to commencement of development, a site-specific SuDS Maintenance and Management Manual must be submitted and approved in writing by the Local Planning Authority. The SuDS Maintenance and Management Manual submitted for approval shall include:

- I.details of SuDS features, connecting drainage infrastructure and watercourses with maintenance requirements for each element,
- II.a management and maintenance plan for the lifetime of the development, including a schedule for the timing and funding of planned replacement of components at the end of their design life,
- III.details of the financial management of the maintenance of the surface water drainage on the site,
- IV.details of who is responsible for the implementation of the SuDS Maintenance and Management Manual,
- V.details of the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the surface water drainage scheme for the lifetime of the development.

Upon completed construction of the approved drainage system, the persons responsible for the maintenance of drainage on the site shall strictly adhere to and implement the

recommendations contained within the manual."

Reasons: To ensure that the proposed development is satisfactorily drained and in accordance with Arun Local Plan policies W SP1, W DM1, W DM2 and W DM3. This is required to be pre-commencement to ensure that maintenance of the drainage system is in place.

- 6 No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,
- the anticipated number, frequency and types of vehicles used during construction,
 - construction hours,
 - the method of access and routing of vehicles during construction,
 - the parking of vehicles by site operatives and visitors,
 - the loading and unloading of plant, materials, and waste,
 - the storage of plant and materials used in construction of the development,
 - the erection and 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),
 - access arrangements from the public highway, including temporary accesses and alterations to existing accesses,
 - details of public engagement both prior to and during construction works.

Reason: To protect the amenity of local residents in accordance with the Arun Local Plan policy QE SP1.

- 7 No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.

Reason: To enable items of archaeological interest to be recorded in accordance with Arun Local Plan policy HER DM6. This is required to be pre commencement as investigation should take place prior to development on site.

- 8 Prior to the commencement of the development, a scheme for protecting the proposed dwellings from noise shall be submitted to and approved in writing by the Local Planning Authority. The proposed scheme shall achieve the following noise levels, based on Table 4 of BS 8233:2014:
- a) internal day time (07.00 hours to 23.00 hours) noise levels shall not exceed 35dB LAeq, 16hr for habitable rooms (bedrooms and living rooms with windows open).
 - b) internal night-time (23.00 hours to 07.00 hours) noise levels shall not exceed 30dB LAeq, with individual noise events not exceeding 45dB Lamax no more than 12 times per night (bedrooms windows open).
 - c) garden/external amenity spaces should not exceed 50 dB LAeq, 16hr. If it is predicted that the internal noise levels specified above will not be met with windows open, the proposed mitigation scheme shall assume windows would be kept closed and will specify an alternative ventilation system, to reduce the need for windows to be opened. As a minimum, this should usually consist of a mechanical heat recovery ventilation system with cool air by-pass or equivalent. Details shall be compiled by a competent acoustician on sound insulation and noise reduction for buildings and shall be submitted to and approved in writing by the Local Planning Authority.

The applicant should review the Planning Noise Advice Document - Sussex, November 2023: <https://www.arun.gov.uk/download.cfm?doc=docm93jjjm4n19846.pdf&ver=24686>.

The agreed noise mitigation measures shall be fully installed/implemented prior to occupation of any of the affected dwellings and permanently retained in good working order.

Reason: To protect the amenity of local residents in accordance with Arun Local Plan policy QE DM1. This must be a pre-commencement condition because it is necessary to have such mitigation measures in place before the buildings are occupied.

- 9 No development shall commence until the vehicular access serving the development has been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of road safety in accordance with Arun Local Plan policy T SP1. This is required to be pre commencement to ensure the access is constructed prior to development of the wider site.

- 10 Prior to occupation of the final building, a verification report must be submitted and approved in writing by the Local Planning Authority. The verification report submitted for approval must:
- I. Be written and informed by a surveyor or engineer that is independent of the contractor,
 - II. Demonstrate that the surface water drainage system has been constructed in accordance with the details approved pursuant to condition 4 (detailed design)
 - III. Include full as-built survey drawings,
 - IV. Include photographs of excavations, installation of any surface water structure, control mechanism or other drainage infrastructure,
 - V. Detail any corrective works that are necessary with a timetable for their completion.
 - a. Where corrective works are required, these must be carried out in accordance with the approved timetable.
 - b. Corrective works must be subsequently resurveyed with the findings submitted to and approved in writing by the local planning authority."

Reasons: To ensure drainage has been constructed as required and satisfactorily drained in accordance with Arun Local Plan policies W SP1, W DM1, W DM2 and W DM3.

- 11 No development above damp-proof course (DPC) level shall take place unless and until a detailed colour schedule of materials and finishes to be used for external walls and roofs of the proposed buildings have been submitted to and approved in writing by the Local Planning Authority and the materials so approved shall be used in the construction of the building.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of character and appearance and by endeavouring to achieve a building of visual quality in accordance with Arun Local Plan policies D DM1 and D SP1.

- 12 No development above damp-proof course (DPC) level shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme including details of hard and soft landscaping and details of existing trees and hedgerows to be retained, together with measures for their protection during the course of the development. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of development, die, are removed or 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 Arun Local Plan policy D DM1.

- 13 No development above damp proof course (DPC) level shall take place until details of all new boundary treatments to be used across the site have been submitted to and approved by the Local Planning Authority and no part of the development shall be occupied until such boundary treatments have been erected.

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

- 14 Prior to any part of the new development being first brought into use/occupied, a bat friendly Lighting Plan shall be submitted to and approved in writing by the Local Planning Authority.

The recommended lighting specification shall use LED's (at 3 lux) with the recommended spectrum being 80% amber and 20% white with a clear view, no UV, a horizontal light spread of less than 70 degrees and a timer. A 3D plan of the illumination level should be supplied so that the Local Planning Authority can assess the potential impact on protected species.

Reason: To allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), s40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats and species) and Arun Local Plan policy ENV DM5.

- 15 The development shall be carried out in accordance with the submitted flood risk assessment (ref: September 2024 Rev 0) and the following mitigation measures it details:
- All dwellings are built entirely in Flood Zone 1.
 - Finished floor levels will be set at a minimum of 150mm above the external levels.

These mitigation measures shall be fully implemented prior to occupation. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants in compliance with the NPPF and Arun Local Plan policy W DM2.

- 16 No development shall be occupied until full details of the secure cycle stores have been submitted to and approved in writing by the Local Planning Authority. These cycle storage spaces shall thereafter be permanently retained and maintained.

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

- 17 Prior to any development above damp-proof course (DPC) level, a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Preliminary Ecological Appraisal, Ecology Works, 31st March 25), shall be submitted to and approved in writing by the Local Planning Authority.

The enhancement measures shall be implemented in accordance with the approved details prior to first occupation of any part of the development and all features shall be retained in that manner thereafter.

Reason: To enhance protected and priority species and habitats in accordance with Arun Local Plan policies ENV SP1 and ENV DM5 and allow the Local Planning Authority to discharge its duties under the NPPF and s40 of the Natural Environment and Rural

Communities Act 2006 (Priority habitats and species).

- 18 All activity at the site is to be carried out in strict accordance with: - Arboricultural Method Statement, Wadey Trees, ref. WT 023-22 AMS, 12 November 2024

If there is deemed to be a need for any Utility Service Route connections to bisect retained tree Root Protection Areas/Zones, then prior to their installation a Method Statement prepared by an Arboricultural Expert must be submitted that stipulates how this can be achieved without adverse impact on tree roots. Written approval and confirmation of acceptance of this Methodology must be issued before any works are commenced out on site.

Reasons: To comply with BS5837:2012 and to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised, and they can continue to enhance the landscape and amenity of the area in compliance Arun Local Plan policy ENV DM4..

- 19 No part of the development shall be first occupied until the vehicle parking spaces have been constructed in accordance with plans and details submitted to and approved by the Local Planning Authority.

Reason: To provide adequate on-site car parking space for the development in accordance with Arun Local Plan policy T SP1.

- 20 The approved development shall include energy efficiency measures that reflect the current standards applicable at the time of submission and decentralised, renewable or low carbon energy supply systems. Any physical features that are required as part of the works must be installed prior to the occupation of each dwelling and shall be thereafter permanently maintained in good working condition.

Reason: In order to secure a reduction in the use of energy at the site in accordance with national planning policy and Arun Local Plan policy ECC SP2.

- 21 Prior to occupation of any of the approved dwellings, the applicant or developer shall provide the dwellings with electric vehicle charge points in accordance with the council's standards as set out in its Parking Standards SPD. This requires that where a dwelling has a driveway or garage then one of those parking spaces shall be provided with a charging point, with ducting then being provided to all other spaces, where appropriate, to provide passive provision for these spaces to be upgraded in future. The individual charge points shall be in accordance with the technical requirements set out in Part S, section 6.2 of the Building Regulations 2010 (as amended). The electric vehicle charge points shall thereafter be retained and maintained in good working condition.

Reason: To mitigate against adverse impacts on local air quality and to promote sustainable travel, in accordance with Arun Local Plan policy QE DM3(c), the Arun Parking Standards SPD and the NPPF.

- 22 If during development, any visible contaminated or odorous material, (for example, asbestos containing material, stained soil, petrol / diesel / solvent odour, underground tanks or associated pipework) not previously identified, is found to be present at the site, no further development (unless otherwise expressly agreed in writing with the Local Planning Authority) shall be carried out until it has been fully investigated using suitably qualified independent consultant(s). The Local Planning Authority must be informed immediately of the nature and degree of the contamination present and a method statement detailing how the unsuspected contamination shall be dealt with must be prepared and submitted to the Local Planning Authority for approval in writing before being implemented. If no such contaminated material is

identified during the development, a statement to this effect must be submitted in writing to the Local Planning Authority.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with Arun Local Plan policies QE SP1 and QE DM4.

23 The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition (the biodiversity gain condition) that development may not begin unless:

1. A Biodiversity Gain Plan has been submitted to the planning authority, and
2. The planning authority has approved the plan.

This permission will require the submission and approval of a Biodiversity Gain Plan before development is begun.

For guidance on the contents of the Biodiversity Gain Plan that must be submitted and agreed by the Council prior to the commencement of the consented development please see the link: <https://www.gov.uk/guidance/submit-a-biodiversity-gain-plan>

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 (as amended).

24 Notwithstanding the provisions of Part 1, Class A of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting this Order) there shall be no extensions constructed under g (i) unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To safeguard the privacy and amenity of adjoining occupiers, maintain adequate amenity space and safeguard the cohesive appearance of the development in accordance with policy D DM1 of the Arun Local Plan.

25 INFORMATIVE: The applicant is required to obtain all appropriate consents from West Sussex County Council, as 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.

26 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). 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.

27 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981 (as amended), 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.

28 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 0345 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.