

Recommendation Report for Planning Permission

REF NO: BE/51/18/PL

LOCATION: Springfields
Chichester Road
Bersted
PO21 5EE

PROPOSAL: 1 No. dwelling. This application is a Departure from the Development Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	It is proposed to erect a new build a new 4 bedroom detached chalet bungalow on land to the northwest of the current dwelling "Springfields". The proposal also show a small bin store location. Access will be from the A259 via the existing access shared between Springfields and Babsham Lodge.
SITE AREA	0.1381 hectares.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	7.25 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	A swathe of large TPO protected Holm Oak Trees roughly forming a boundary between the site and the existing dwelling, Springfields.
BOUNDARY TREATMENT	- 1m high 2 bar timber fence to the adjacent owned land to the northwest; - Open to the northeastern boundary with agricultural fields (only a field margin to demarcate the boundary); - 1m high close boarded fence to the northwestern boundary of Springfield's rear private garden; and - 1m high railings to the road.
SITE CHARACTERISTICS	The application site lies to the immediate northeast of an existing detached bungalow (Springfields) which itself has gardens to the front, rear & sides. The site itself is mown grass land and there is currently a single width holiday caravan present. Mole hills were present on parts of the site.
CHARACTER OF LOCALITY	The site lies at the northwestern tip of a ribbon of residential properties on the northeastern/eastern side of Chichester road but is considered to be in a semi-rural locality with agricultural fields to the northeast and on the opposite side of Chichester road. Springfields is a single storey bungalow with only ground floor principal windows (on its rear). There is a further residential property to the northwest but at a distance of 256m from Springfields and so will not be affected.

RELEVANT SITE HISTORY

BE/75/16/CLE	Lawful development certificate for existing land to be used as residential.	Withdrawn 27-07-16
BE/105/15/PL	Continuance of use without compliance with condition 2 imposed under BE/19/61/A relating to occupancy of dwelling.	Withdrawn 27-07-15
BE/187/87	New double garage	ApproveConditionally 11-01-88
BE/19/61/C	Revised Plot Plan For Agricultural Bungalow	Approve 07-11-62
BE/19/61/B	Details For Agricultural Bungalow And Garage	Approve 07-11-62
BE/19/61/A	Outline Application For Agricultural Workers Dwelling And Garage	ApproveConditionally 04-07-62

Noted.

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Bersted Parish Council

"NO OBECTION, subject to the results of the habitat report. Although outside the built up area boundary, members felt it would not adversely affect the character & appearance of the area."

COMMENTS ON REPRESENTATIONS RECEIVED:

An ecological assessment has been received and has been agreed by the Councils ecologist.

CONSULTATIONS

Natural England

Engineering Services Manager

Engineers (Drainage)
Arboriculturist
Parks and Landscapes
Environmental Health
Archaeology Advisor
Scotia Gas Networks
Health & Safety Executive
Scotia Gas Networks
Ecology Advisor

CONSULTATION RESPONSES RECEIVED:

NATURAL ENGLAND - Raise no objection subject to appropriate mitigation being secured as otherwise the proposal would be likely to have a significant effect through recreational disturbance on Pagham Harbour Special Protection Area (SPA) and Ramsar site, in combination with other residential proposals in the area.

SOUTHERN GAS NETWORKS - Raise no objection as although SGN has a high pressure gas pipeline in the vicinity, the safety and integrity of their assets will not be affected by the proposal.

ADC DRAINAGE ENGINEERS - No response received.

ADC LANDSCAPE OFFICER - Raise no landscape objection to the proposals but consider that protection measures will be required for the trees. Also recommend greening measures to help the site blend in with the environment and its semi-rural setting.

ADC TREE OFFICER - No response received.

CDC ARCHAEOLOGY - No objection. State that it is unlikely that a development of this extent would impinge on archaeological deposits that might be present to the extent that refusal or the requirement of other mitigation measures would be justified.

CDC ECOLOGY - Raise no objection subject to control of any future lighting to protect bats, prevention of harm to birds nests and wildlife enhancement measures to the site.

COMMENTS ON CONSULTATION RESPONSES:

The Councils Drainage Engineers have not responded and as the site does not fall within the Lidsey Treatment Catchment area, a drainage condition would only be applied to schemes of 2 or more dwellings. However, a condition will still be imposed in order to comply with policy ES2 of the Bersted Neighbourhood Plan.

The Councils Tree Officer has not responded either and it is noted that the site is partially covered by a Tree Preservation Order which protects a group of Holm Oaks partially within the application site. For this reason, a condition is proposed to require details of tree protection measures to be approved prior to commencement. However, it is not necessary to fell any of these trees to accommodate the new dwelling and the foundations of the dwellings will only make a minor incursion into the Root Protection Area of one Category B tree.

In respect of the Landscape Officer response, it would not normally be the case that a landscaping

scheme condition is imposed on a single dwelling scheme. However, due to the location of this site on the edge of an existing ribbon development and adjacent to open countryside, it is considered necessary to impose a condition to soften the proposal and blend it in with the surroundings.

POLICY CONTEXT

Designations applicable to site:

Outside the Built Up Area Boundary (BUAB);

Within a Strategic Gap;

Class A Road;

Archaeological Notification Area;

Areas of Special Control of Adverts;

Gas Pipeline Notification Area;

WSCC Mineral Consultation Area; and

Tree Preservation Order TPO/BE/1/14.

DEVELOPMENT PLAN POLICES

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM2	ENV DM2 Pagham Harbour
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
HSP1	HSP1 Housing allocation the housing requirement
QEDM2	QE DM2 Light pollution
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP3	SD SP3 Gaps Between Settlements
SODM1	SO DM1 Soils
TSP1	T SP1 Transport and Development

Bersted Neighbourhood Plan 2014 Policy ES1	Design of new development
Bersted Neighbourhood Plan 2014 Policy ES2	Surface water management
Bersted Neighbourhood Plan 2014 Policy ES3	Protecting the Strategic Gap/Green Infrastructure Corridor
Bersted Neighbourhood Plan 2014 Policy ES5	Building design
Bersted Neighbourhood Plan 2014 Policy ES6	Protection of trees
Bersted Neighbourhood Plan 2014 Policy ES7	Development outside of the Built Up Area Boundary
Bersted Neighbourhood Plan 2014 Policy HDQ2	Integration of new housing
Bersted Neighbourhood Plan 2014 Policy HDQ3	Windfall sites
Bersted Neighbourhood Plan 2014 Policy HDQ5	Design of new housing development
Bersted Neighbourhood Plan 2014 Policy HDQ6	Outdoor space
Bersted Neighbourhood Plan 2014 Policy HDQ7	Attention to detail

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011-31, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

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.

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.

The relevant Bersted Neighbourhood Development Plan policies have been considered within this report.

Section 38 (5) of the Planning and Compulsory Purchase Act 2004, states that: "If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document".

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 policy C SP1 of the Arun Local Plan 2011-31 (ALP) and with policy ES7 of the Bersted Neighbourhood Development Plan (BNDP) on the grounds that it will create a new dwelling in the countryside. The proposal also conflicts with ALP policy SD SP3 and BNDP policy ES3 by virtue of development within the strategic gap between the settlements of Bognor Regis and Chichester. Finally, the proposal conflicts with ALP policy SO DM1 by virtue of being grade 2 Agricultural land.

However, the proposal is considered to comply with all other relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality, on the residential amenities of the adjoining properties, on the safety and convenience of the road network or on the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

It is considered that regard should be had to the location of the site on the end of an existing well

established ribbon of development and also to its sustainable location and the economic benefits that will arise from a new dwelling.

CONCLUSIONS

PRINCIPLE:

The new Arun Local Plan 2011-2031 (ALP) was adopted on the 18th July. With this new Plan in place, the Council can now demonstrate an NPPF compliant 5 year housing land supply. The application site lies outside of the defined settlement boundary (built up area boundary or BUAB) as shown within the ALP and therefore falls within countryside. Policy C SP1 states that development in the countryside will only be permitted where it relates to certain criteria. The proposal does not meet any of the stated criteria and therefore would be unacceptable in principle.

It is also necessary to consider the policies of the Bersted Neighbourhood Development Plan (BNDP). The BNDP was made (adopted) in July 2014 on the basis of the saved policies in the 2003 Arun District Local Plan and the draft policies in the 2014 publication version of the emerging Arun Local Plan. The proposed site is also outside of the BUAB within the BNDP and therefore policy ES7 is relevant: "Development outside of the built-up area boundary, as shown in Appendix F, development or redevelopment will not be supported."

Regard should also be had to policy SD SP1 of the ALP which states that: "When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will work pro-actively with applicants to jointly find solutions which mean that proposals can be approved wherever possible and to secure development that will contribute to the social, economic and environmental conditions south of the National Park through to the coast and throughout its settlements (both coastal and inland)."

It is considered that the site is sustainably located given that there is a petrol station shop within a walk (using pavement/hard surfaced footpaths) of only 685m and bus stops (using the same surfaces) within 235 or 278m. The proposal would result in an increase in Council Tax receipts, a new homes bonus payment to the Council and will necessitate the employment of persons to build the dwelling. Therefore, it will result in some small scale economic benefits.

Notwithstanding the sustainable nature of the proposal (compliance with policy SD SP1), the proposal remains in conflict with ALP policy C SP1 and BNDP policy ES7. However, it is not considered that this should automatically result in a refusal unless there is also harm to the character of the countryside.

STRATEGIC GAP:

The site is also located within a defined strategic gap which is in place to prevent the coalescence of the settlements of Chichester and Bognor Regis. Arun Local Plan policy SD SP3 states that:

"Development will only be permitted within the gaps if:

- a. It would not undermine the physical and/or visual separation of settlements;
- b. It would not compromise the integrity of the gap, either individually or cumulatively with other existing or proposed development;
- c. It cannot be located elsewhere; and
- d. It maintains the character of the undeveloped coast;
- e. or, if a subsequent DPD or Neighbourhood Plan deems it appropriate through an allocation;

f. If a subsequent DPD or Neighbourhood Plan deems it appropriate through an allocation."

In addition, BNDP policy ES3 states that: "Development within the Strategic Gap as defined in Appendix D will not be supported. Development for essential infrastructure will be granted in special circumstances, where the benefit outweighs any harm, and it can be demonstrated there are no reasonable alternative sites available."

It is considered that the proposal is in accordance with criteria (a) & (b) of policy SD SP3 as the additional of one dwelling in this location on the end of an existing ribbon development and closely related to the existing adjacent dwelling will not undermine the integrity of the gap and it will still be clear that there is a separation between Bognor Regis and Chichester. However, it is necessary to comply with all of the criteria and therefore, the proposal is also in conflict with ALP policy SD SP3 and with BNDP policy ES3

AGRICULTURAL LAND:

The "Post 1988 Agricultural Land Classification (England)" dataset available via Defra's online Magic mapping tool shows that the site falls within grade 2 agricultural land. Therefore, it is necessary to consider policy SO DM1 of the ALP which states that:

"Unless designated by this Plan or a Neighbourhood Development Plan, the use of Grades 1, 2 and 3a of the Agricultural Land Classification for any form of development not associated with agriculture, horticulture or forestry will not be permitted unless need for the development outweighs the need to protect such land in the long term.

The requirement to protect the best and most versatile land can be outweighed if it is demonstrated through sustainability and options appraisals that:

- a. Preservation of land of lower agricultural quality has greater benefits in terms of ecosystem services (for example carbon storage, flood water retention, support of biodiversity);
- b. That any site preferred for development is demonstrated to be the best and most sustainable option, including but not limited to the terms of land quality, ecosystem services, infrastructure and proven need; and
- c. The proposed development meets the requirements of the countryside policy and/or equine development policy.

Where development is permitted it should, as far as possible, use the lowest grade of land suitable for that development. Development will not be permitted unless:

- d. The applicant has submitted sustainability and options appraisals, mitigation measures, and a soil resources plan for the development site;
- e. Site appraisal documents submitted by the applicant must demonstrate that consideration has been given to DEFRA's Soil Strategy for England;
- f. The productivity of the land is demonstrated using a methodology for assessing gross margins as contained in the Arun Soils and Agricultural Land Assessment Report; and
- g. The applicant has submitted a comprehensive soil resources plan for the development site which demonstrates that care will be taken to preserve the soil resource, such that it can be incorporated into a Productive Green Environment following development."

The applicant has not supplied any information to justify the proposal against the requirements of this policy. However, it is considered that this is a very small area of land (0.1381 hectares) which would not be viable for the purposes of the growing of crops. Modern agriculture and arable farming has changed

to the extent that it is now larger in scale with an emphasis on large tracts of land (such as the large field to the east) as opposed to collections of individual fields. It is also considered that the access to the site would not be suitable for regular use by agricultural vehicles given it is from/onto a main A road and that the access is shared between two existing residential dwellings such that agricultural activity could be detrimental to residential occupiers.

It is noted that the existing dwelling Springfields was originally approved as a dwelling for an agricultural worker and that this restriction is still in place. However, the land to the northwest of Springfields (i.e. the site and the adjacent owned land shown edged blue on the location plan) is not in agricultural use. Currently both the site and the adjacent land is mown grass and there is no evidence of even a grazing type use. Photos from Google streetview dated to 2012 suggest that whilst the application site had been mowed recently, the adjacent land had been left as meadow.

Therefore, despite the grade of soil on the land and the conflict with policy SO DM1, it is considered that the site is limited for future agricultural use due to its size/workable area and accessibility. Therefore it is considered that no objection should be raised in respect of this policy.

LANDSCAPE & CHARACTER:

Policy D DM1 of the Arun Local Plan 2011-2031 requires that the Council have regard to certain aspects including:

(1) Character - "Make the best possible use of the available land by reflecting or improving upon the character of the site and the surrounding area, in terms of its scale, massing, aspect, siting, layout, density, building materials (colour, texture), landscaping, and design features.";

(2) Appearance/attractiveness - "Demonstrate a high standard of architectural principles, use of building materials, craftsmanship and hard and soft landscaping to reflect the local area";

(13) Density - "The density of new housing will make efficient use of land while providing a mix of dwelling types and maintaining character and local distinctiveness. Higher densities will be more appropriate in the most accessible locations. Proposals should take into account the density of the site and its surroundings. The density of large sites should be varied to guard against uniformity"; and

(14) Scale - "The scale of development should keep within the general confines of the overall character of a locality unless it can be demonstrated that the contrary would bring a substantial visual improvement."

Furthermore, policy D SP1 "Design" states that:

"All development proposals should seek to make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details. Development proposals should have been derived from: a thorough site analysis and context appraisal; adherence to objectives informing sustainable design (inclusivity, adaptability, security, attractiveness, usability, health and wellbeing, climate change mitigation and habitats); and the influence these objectives have on the form of the development. With major developments or allocated sites in the Development Plan, in addition to a Design and Access Statement, a context appraisal, context plan and analysis of the site will also be required."

Policy LAN DM1 seeks to protect the character of the landscape. It states that:

"Development throughout the plan area should respect the particular characteristics and natural features

of the relevant landscape character areas and seek, wherever possible, to reinforce or repair the character of those areas."

Bersted Neighbourhood Plan policies ES1, ES5, HDQ2, HDQ5 and HDQ7 are all relevant. Policy ES1 states that: "New development which would have an effect on the appearance or character of the surrounding area should be of a high quality design and should contribute to local character by creating a sense of place appropriate to it's location". Policy ES5 requires that building design contribute positively to the historic character of Bersted.

Policy HDQ2 states that "Proposals for new housing must ensure that the new homes are well connected to the surrounding area and visually integrated with their surroundings." Furthermore, HDQ5 requires that new housing is of a high quality and is designed to reflect the local character.

Policy HDQ7 requires that the following items are integrated into the design at an early stage:

- bin stores and recycling facilities;
- cycle stores;
- meter boxes;
- lighting;
- flues and ventilation ducts;
- satellite dishes and telephone lines; and
- gutters and pipes.

A traditional two storey dwelling in this location would not be considered to be acceptable having regard to the scale of Springfields and the open nature of the landscape. Although the proposed dwelling does have a first floor, the south west elevation facing the road only shows a single roof level velux window. Therefore, the dwelling will not appear as two storeys within the streetscene. There are two gable end windows but these are on elevations facing elsewhere.

It is noted that there is no firm building line along this ribbon of houses and therefore it is considered acceptable for the proposed dwelling to be set slightly behind the line of Springfields. The distance between the new and existing dwellings plus the established line of trees also means that the new dwelling will not be readily seen alongside Springfields and as such does not necessarily need to match in terms of design or style.

Although the dwelling will encroach onto a currently open unscreened area of countryside, it is not considered that this will be harmful to the character of the local landscape as there will still be views from the road & footpath of the flat landscape beyond through the adjacent land to the northwest and through the gap between the two dwellings. It will be necessary to seek new landscaping around the front of the site to soften the site appearance and this can be secured through a planning condition. The Councils Landscape Officer raises the same point and crucially does not object on landscape grounds.

It is therefore not considered that the proposed dwelling will be harmful to local landscape or building character and is in accordance with ALP policies D DM1, D SP1 & LAN DM1 as well as policies ES1, HDQ2, HDQ5 and HDQ7 of the BNDP. It is not considered that the proposal complies with BNDP policy ES5 but this is not considered to be material as this part of Bersted does not have an apparent historic character.

PARKING & HIGHWAY SAFETY:

Arun Local Plan policy T SP1 seeks to ensure that development: provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport, including the use of low

emission fuels, public transport improvements and the cycle, pedestrian and bridleway network. In respect of parking, it states that:

"The Council will support transport and development which: incorporates appropriate levels of parking in line with West Sussex County Council guidance on parking provision and the forthcoming Arun Design Guide taking into consideration the impact of development upon on-street parking"

In respect of highway safety, it states that:

"The Council will support transport and development which: Explains how the development has been designed to: (i) accommodate the efficient delivery of goods and supplies; (ii) give priority to pedestrian and cycle movements and have access to high quality public transport facilities; (iii) create safe and secure layouts for traffic, cyclists and pedestrians whilst avoiding street clutter."

Bersted Neighbourhood Plan Policy HDQ8 requires a minimum of two spaces per dwelling. It also states that developments which remove off road parking spaces will not be supported unless alternative provision is made which increases or maintains the number of parking spaces.

Regard should also be had to paragraph 109 of the NPPF which states that: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

The application proposes to use an existing access which is shared between two existing dwellings. This will result in a slight intensification of this access point. However, the junction with the A259 is considered to have excellent visibility in both directions. Furthermore, although right turns onto the A259 may be difficult at times due to traffic, it is possible and not inconvenient for vehicles to simply turn left and then go around the roundabout a short distance to the south in order to avoid any risky manoeuvres onto the A259. There is no gate across the access driveway and therefore no risk of cars backing up onto the A259. Although there has not been any consultation with WSCC Highways, it is not considered that the impact of this proposal would be unacceptable or severe.

In respect of parking, the proposal would provide for 3 off-street spaces. This complies with BNDP policy HDQ8 and with the West Sussex Parking Demand Calculator (which suggests a total demand of 3 spaces).

It is therefore considered that the proposal complies with ALP policy T SP1 and with policy HDQ8 of the BNDP.

RESIDENTIAL AMENITY:

Arun Local Plan policy D DM1 requires that the Council have regard to certain aspects when considering new development including: (3) Impact - "Have minimal impact to users and occupiers of nearby property and land. For example, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance." There are no policies within the BNDP which refer to residential amenity issues. However, regard should also be had to paragraph 127 of the NPPF which states that:

"Planning policies and decisions should ensure that developments: (f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience."

It is considered that the proposed dwelling will be sited far enough away from neighbouring properties

such that there will be no overbearing or overshadowing impacts. Furthermore, the ground floor windows can be screened out through new 1.8-2m high boundary treatment between the new dwelling and Springfields. A condition will be imposed to require approval of new boundary treatment details.

A first floor bedroom window is proposed in the elevation facing Springfields and this will have a view out towards Springfields rear garden. However, this window will be 15m from the new shared boundary and there are Holm Oak trees within this 15m area which provide screening. Regard is also had to the fact that the occupiers of Springfields are making the planning application.

It is therefore considered that the proposal complies with policy D DM1 of the Arun Local Plan.

INTERNAL & EXTERNAL SPACE STANDARDS:

Policy D DM2 of the ALP states that:

"The planning authority will require internal spaces to be an appropriate size (having regard to the exceptions that may apply as referred to in paragraph 13.3.4) to meet the requirements of all occupants and their changing needs. Nationally Described Space Standards will provide guidance."

The required internal space standard for a house of this number of bedrooms is 124m² but the proposal far exceeds this with a total internal floor area of around 240m² therefore complying with policy D DM2.

Arun Local Plan 2011-2031 policy D DM1 refers to the need for compliance with the Arun Design Guide. This is to replace policy D DM3 "External Space Standards" which was deleted at the request of the Local Plan Inspector. Until such time as this Design Guide is published, there is no policy within the Arun Local Plan regarding private gardens sizes. However, regard should be had to paragraph 127 of the NPPF which requires that new development has a high standard of amenity for existing and future users. In addition, policy HDQ6 of the BNDP states that "A private outdoor garden amenity space, or a shared amenity area must be provided for all new dwellings.

The proposal includes a large area of garden to the rear and southeastern side and this is considered to be a private space (subject to the usual tolerances caused by neighbouring windows having oblique angle views). The proposal therefore complies with BNDP policy HDQ6 and with ALP policy D DM1.

PAGHAM HARBOUR:

The application is accompanied by a signed legal agreement relating to a payment of £871 towards the mitigation of the impacts of the development on the Pagham Harbour Special Protection Area.

Arun Local Plan 2011-2031 policy ENV DM2 states that all new residential developments within a 400m to 5km distance ('Zone B') of Pagham Harbour make a financial contribution towards the provision of accessible natural open green spaces to serve the area. A contribution of £1,275 per new residential unit was agreed by the Councils Cabinet on 20 July 2015. The report to Cabinet stated that:

"The access management measures identified are referred to as Strategic Access Management and Monitoring (SAMMs). As these do not include the allocation of specific land, they are not classified as physical infrastructure, and are not included under the definition of infrastructure within Section 216 of the Planning Act 2008, meaning the pooling restrictions as set out under Regulation 123 of the CIL Regulations (2010) as amended, does not apply. It is common practice by many other authorities (for example Elmbridge) that contributions towards SAMMs are gathered through S106 planning obligations. This approach has also been confirmed within Counsel advice sought by the Council. As a contribution is required to make the development acceptable in planning terms, it is therefore in compliance with the

tests under Regulation 122 of the CIL Regulations (2010) as amended"

The Councils Cabinet subsequently approved a reduction in the tariff from £1,275 to £871 as of the 10th April 2017.

The application site lies within the designated Zone B and accordingly it was necessary to apply this requirement. The net increase of one dwelling resulted in a contribution of £871 at the current rate and it is this that is secured by the signed legal agreement.

SUMMARY:

The application site is outside the defined built-up area boundary of Bersted & within a strategic gap and is therefore contrary to policies C SP1 & SD SP3 of the ALP and BNDP policies ES3 & ES7. The development of the land will also result in the loss of 0.1381 hectares of grade 2 agricultural land. However, it is not sustainable to refuse an application on the grounds of countryside or strategic gap location unless there is some corresponding harm to the proposal.

In this case, it is not considered that the new dwelling would harm the character of the surrounding built environment or the local rural landscape and it would also not harm the integrity of the strategic gap. Furthermore, the amount of agricultural land to be lost is very small and it is not considered to be realistic that the site in conjunction with the adjoining land would be used for agriculture. It is also considered that regard should be had to the location of the site on the end of an existing well established ribbon of development and also to its sustainable location and the economic benefits that will arise from a new dwelling. The proposed new house will also not result in any harm to the amenities of nearby residential properties or to the safety & convenience of the local highway.

The proposed development is therefore on balance considered to be acceptable in terms of the development plan when taken as a whole and is recommended for approval together with 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.

SECTION 106 DETAILS

This decision will be granted in conjunction with a Section 106 legal agreement relating to a contribution of £871 towards Pagham Harbour Access Management Mitigation Measures.

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:

Dwg. 0520-01/01 "Site Location Plan";
Dwg. 0520-01/03 Rev C "Proposed Site Layout - Point 227E";
Dwg. 01 "Foundation Slab";
Dwg. 02 "Ground Floor Plan";
Dwg. 03 "First Floor Plan";
Dwg. 04 "Section A-A, B-B";
Dwg. 06 "Elevations" (Southwest & Southeast);
Dwg. 07 "Elevations" (Northwest & Northeast);
Dwg. 08 "Windows List";
Dwg. 09 "WC, Bath"; and
"Tree Constraints Plan" (16/03/2018).

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 The development must be carried out in accordance with the recommendations and mitigation measures as set out within section 4.9 "Enhancement Opportunities" of the Preliminary Ecological Appraisal (05 July 18) (Project No. P2837). In addition, to ensure the site remains unsuitable for reptiles, continued management of the site must take place to ensure reptile habitat does not develop onsite. The enhancements and mitigation measures shall be retained and thereafter maintained as fit for purpose.

Reason: In accordance with Arun Local Plan policy ENV DM5 and the National Planning Policy Framework.
- 4 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;
 - 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; and
- 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).

Reason: In the interests of highway safety and the amenities of the area in accordance with policies D DM1 and T SP1 of the Arun Local Plan and the National Planning Policy Framework. This is required to be a pre-commencement condition because it is necessary to have the site set-up agreed prior to access by construction traffic.

- 5 No part of the site shall be occupied or any machinery introduced to the site or any demolition work/construction work/alterations to existing ground levels shall take place unless and until an Arboricultural Method Statement and Tree Protection Plan have been submitted to and approved by the Local Planning Authority.

Thereafter a pre-commencement site meeting must be arranged to take place between the Arun DC Tree Officer and the Arboricultural Expert or Landscape Architect representing the site owners at which time, all tree protection measures will be inspected and assessed to verify that it is 'Fit for Purpose' as required under British Standard 5837:2012 and has been erected and positioned exactly as shown on the approved drawings.

Reasons: To comply with BS5837 and with Arun Local Plan policy ENV DM4 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. This is required to be a pre-commencement condition because it is necessary to ensure the protection of the protected and otherwise significant trees prior to any change to the surface of the site.

- 6 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.

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, the recommendations of the SUDS Manual produced by CIRIA.

Winter groundwater monitoring to establish 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.

No building shall be occupied until the complete surface water drainage system serving the property 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 policy ES2 of the Bersted Neighbourhood Development Plan. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

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

Reason: To enable the Local Planning Authority to control the development in detail in the

interests of amenity and character and appearance of this rural area by endeavouring to achieve a building of visual quality in accordance with policy D DM1 of the Arun Local Plan.

- 8 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 new soft landscaping to soften and screen the development together with details of existing trees and hedgerows to be retained.

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 visual amenity and landscape character in accordance with policies D DM1 and LAN DM1 of the Arun Local Plan.

- 9 No development above damp proof course (DPC) level shall take place until details of new screen walls and/or fences have been submitted to and approved by the Local Planning Authority and no dwelling shall be occupied until such screen walls and/or fences associated with it have been erected.

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

- 10 No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The scheme should seek to conform with the recommendations within BS5489:1-2013 but also minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

Reason: In the interests of the amenities of the area, the site biodiversity (particularly in respect of bats), the interests of minimising crime and to minimise unnecessary light spillage outside the development site in accordance with policies QE SP1, QE DM2 & ENV DM5 of the Arun Local Plan.

- 11 No removal of trees, shrubs or other vegetation that may contain birds' nests shall take place between 1st March and 31st August inclusive, unless a suitably qualified ecologist/wildlife specialist has undertaken a careful, detailed, check of vegetation for active birds' nests immediately before the vegetation is cleared and confirmed that no nests will be harmed. Where nests are discovered, the vegetation shall remain in place until nesting activity has ended naturally and the ecologist has confirmed that it is safe to proceed.

Reason: To prevent interference with the breeding success of wild birds in the interests of biodiversity conservation, as well as to ensure compliance with the legal protection of birds, their nests and eggs under Section 1 of the Wildlife and Countryside Act 1981, as amended and in accordance with policy ENV DM5 of the Arun Local Plan.

- 12 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.

- 13 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to a financial contribution of £871 towards the Pagham Harbour Access Management Mitigation Measures.
- 14 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read our New Connections Services Charging Arrangements documents which is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructurecharges>.
- 15 INFORMATIVE: Drainage Engineers advise that Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE 365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 30% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers. Supplementary guidance notes are also available on request.
- 16 INFORMATIVE: The applicant is reminded that the dwelling Springfields is currently occupied residentially and by residents not working within Agriculture/Horticulture and is therefore in breach of the original planning permission for that dwelling.