

REPORT UPDATE

Application No: BE/60/15/PL

Reason for the Update / Changes

Reason for Update/Changes:

Firstly, the Councils Greenspace Officers have confirmed how the S.106 contributions will be spent:

* £7,000 towards nearby off-site open space/play provision - this would be allocated to Bersted Park Play Area for improvements to play provision; and

* £8,925 towards the cost of providing accessible natural open green spaces to serve the Pagham area - this would be allocated for quality improvements for Site 6 Bersted which is immediately adjacent this site and would be used for natural open space and rural informal pathway improvements.

Secondly, an additional letter of objection has been received. This is in the form of a 2 page update to a previous objection from a non local Arun resident. It is noted that the previous letter was 13 sides with a further 17 sides of appendices. The letter part repeats points made already but does raise some new items as follows:

- (1) That no. 21 only comprises approximately 35% of the entire scheme which means it is a minor component of the scheme (and so the description is wrong to just refer to the site as being 21 Bucksham Avenue);
- (2) That the application fails to comply with Approved Document B in respect of fire engine access;
- (3) That the Ecological Assessment is inadequate for a number of reasons;
- (4) That there is inadequate visitor parking spaces with only 1 space as opposed to 3 previously;
- (5) That there continues to be no pedestrian access into the site;
- (6) That the changes to plots 7&8 results in unacceptable noise & disturbance to 15 & 17;
- (7) Inadequate gardens for plots 6-8;
- (8) Overlooking from the rear of plot 8 to 15/17 Bucksham Avenue; and
- (9) Proximity of the site to the drainage ditch along the northern boundary which is Flood Zone 3b.

Officers Comment:

The following points are made in response to the above 9 objections:

- (1) This is not considered to be a material planning consideration and in any case was referred to in the original report.
- (2) It is assumed that Approved Document B refers to Building Regulations and this is therefore not a planning consideration. In any case, WSCC Highways have not raised any objection.
- (3) CDC Ecology have assessed the scheme and do not raise any objections
- (4) There remains 3 visitor parking spaces.
- (5) As already stated in the report, the entrance drive is a shared surface for use by both pedestrians & vehicles.
- (6) The amended plan does bring two parking spaces slightly closer to no. 17 but it is not clear as to how this change results in unacceptable noise & disturbance.
- (7) This is covered by the existing report.
- (8) The rear windows of plot 8 will look out across the very rear area of 17's rear garden but

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there will be no overlooking of the part of the garden closest to the back of 17.
(9) Neither the online Environment Agency Map nor the Councils digital mapping has the ditch which runs along the northern boundary designated as Flood Zone.

There are no changes to the recommendation or conditions.

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

BE/60/15/PL

Recommendation Report for Planning Permission

REF NO: BE/60/15/PL

LOCATION: 21 Bucksham Avenue
Bersted

PROPOSAL: Demolition of existing dwelling & erection of 8 No. three bedroom dwellings with new access & car parking.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

2 detached and 6 semi-detached dwellings with private gardens, garages or parking spaces, bin and cycle stores. Access is from Bucksham Avenue and the scheme demonstrates that it is suitable for refuse & emergency vehicles. The scheme was amended to reconfigure the layout to plots 7 & 8 and the position of their gardens.

SITE AREA

0.27 hectares.

RESIDENTIAL DEVELOPMENT DENSITY

30 dwellings per hectare.

TOPOGRAPHY

Predominantly flat.

TREES

Tree Preservation Order TPO/BE/1/07 relates to the site. This is an area order associated with Site 6. The relevant part of that Order is G11 which runs along the western boundary of the site and consists of 13 no. Crataegus Monogyna (Hawthorn), 5 no. Prunus Spinosa (Blackthorn/Sloe), 4 no. Salix Caprea (Goat

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Willow) and 1 no. *Corylus Avellana* (Hazel). There is an unprotected mature Willow tree just inside the boundary of no. 11 which overhangs the site.

BOUNDARY TREATMENT

The western boundary is well defined by existing landscaping which sits adjacent to a stream. The rear of neighbouring houses are bordered by a 2m timber fence. No. 21 is currently bordered by Heras type temporary fencing.

SITE CHARACTERISTICS

Empty detached bungalow with flat roofed single storey extensions and overgrown garden area to the north at the end of the cul-de-sac. Land to the west is overgrown/scrub and has a narrow access onto Bucksham Avenue located between 17 and 21. This area shares a boundary with 1-21 Bucksham Avenue and with 426 Chichester Road. No. 21 has parking space for 2 cars.

CHARACTER OF LOCALITY

Mix of semi-detached houses and bungalows. Beyond the end of the road, there is a lagoon whilst to the rear (west) are more modern houses which are part of Site 6. Houses to the rear within Site 6 are rough rendered and painted. Nos. 5-17 Bucksham Avenue share the same building line and are two storey semi-detached houses. No. 426 Chichester Road is a bungalow. There are footpaths between the site & the lagoon and between the vegetated western boundary and Site 6.

RELEVANT SITE HISTORY

BE/137/10/	Outline application with all matters reserved for a chalet house	Refused 03-02-2011
BE/157/11/	Demolition of existing delapidated bungalow. Erection of 4No. new dwellings with associated soft and hard landscaping.	Withdrawn 24-02-2012
BE/42/13/	Removal of existing detached dwelling & erection of 3 No. dwellings	Withdrawn 05-08-2013
BE/78/13/	Removal of existing detached dwelling, proposed residential development of site comprising 3 No. dwellings. Resubmission of BE/42/13/	Refused 24-12-2013

BE/17/14/	Removal of existing dwelling and replacement with 2 No 3 bedroom houses (resubmission following BE/78/13/)	Withdrawn 05-06-2014
PAA/140/14/	Demolition of existing dwelling and erection of 6No. three bedroom houses and 4No. two bedroom houses with new access and car parking.	Refuse Pre App 20-02-2015

No 21 and its garden has been subject to a number of applications for residential development which have been withdrawn or refused on the grounds of character and overdevelopment.

REPRESENTATIONS

Representations received:

Bersted Parish Council

"Objection. The objection being the sole, narrow, vehicular access with no refuge pavement, which may cause a problem to families to the 8, 3 bedroom development"

14 letters of objection. Grounds/comments include:

- * Need for low growing trees to the boundary with the footpath on the western side;
- * Need clear responsibility for maintenance of the eastern bank of the stream
- * Insufficient schools/doctors for so many new homes;
- * Overdevelopment;
- * High density of housing in this area;
- * Overflow of parking including delivery vehicles onto Bucksham Avenue;
- * Impact of construction vehicles on Bucksham Avenue;
- * Increased risk of localised flooding;
- * Not in character with Bucksham Avenue;
- * Impact on wildlife;
- * Lack of privacy/intrusion;
- * 4 dwellings would be appropriate but not 8;
- * Insufficiency of the local sewage network;
- * Noise disturbance from new residential gardens;
- * Will endanger pedestrians/cyclists using Bucksham Avenue;
- * Access road isn't wide enough to allow two cars to pass;
- * Strangers in high vans will be able to see into existing gardens;
- * Application is incorrectly described as the land is part of 19 & 21;
- * Site 6 has vacant plots and therefore there is no demand to develop this site; and
- * The access visibility splays do not comply with NPPF guidance.

One of the letters is in the form of a 13 page document complete with appendices. All of the representations are available to read on the Councils website.

Comments on Representations received:

The above comments/objections will be discussed in the Conclusions Section.

CONSULTATIONS

Highways England
WSCC Strategic Planning
Southern Water Planning
Engineering Services Manager

Engineers (Fluvial Flooding)
Arboriculturist
Parks and Landscapes
Ecology Advisor
Planning and Housing Strategy

Consultations responses received:

Highways England - no objection.

Southern Water - no objection. Require the imposition of an condition to seek details of the proposed means of foul & surface water sewerage disposal.

WSSC Highways - "The site is situated to the north of Bognor Regis. The site is to be accessed via a new access onto Bucksham Avenue, which is a no through road and subject to a 30 mph speed limit. The access road will take the form of a 4.5 metre wide shared surface arrangement. This is considered suitable as this will be a low speed, low traffic environment. The proposed highway works should be undertaken with our Implementation Team under a Licence Agreement. A total of 19 car parking spaces will be provided on site. This provision has been considered against the WSSC Parking Demand Calculator (PDC). The proposed provision does not exceed the requirement generated by way of the PDC. In terms of parking layout there is a suitable amount of hardstanding for vehicles par and manoeuvre within the site. There has been no indication of whether refuse collection will take place from within the site or from the access point onto Bucksham Avenue. Therefore it is advised a communal bin store is placed at the access point onto Bucksham Avenue. The waste collection authority should be consulted to obtain their views on the suitability of this arrangement however. If a refuse vehicle is to enter the site a further plan showing via swept path diagrams should be provided demonstrating that a larger vehicle can manoeuvre within the site. The Design and Access Statement does not make references to services by other non-car

modes. However it is acknowledged that Bognor Regis town centre is within reasonable walking and cycling distance. In addition there are nearby bus stops which do link to the town centre and beyond. Approximately 1.5 miles from the site Bognor Regis train station is located which links the town to London, Brighton and many other destinations. There are continuous footways for pedestrians and whilst cyclists would have to use the carriageway, traffic conditions are not considered such to dissuade trips by this mode. Residents would have a realistic means to travel other than by the private car. It is recognised that this proposal would give rise to a more intensive use Bucksham Avenue. However this proposal is not anticipated to result in any highway capacity concerns. On that basis, no highway objection would be raised subject to conditions."

Follow-up comments: "No concerns would be raised with the latest amendments. The previous comments which the LHA provided on the 13th May 2015 should be applied to this latest application. There has still been no specific demonstration or conformation of where refuse collection will take place from."

CDC Ecology - "Bats - As detailed within the Ecological Assessment (June 2015) there is potential for bats to be roosting within the property on site. Due to this and as recommend within the survey further bat emergence surveys are required to determine if bats are roosting onsite prior to determination. This survey needs to be undertaken by a suitably qualified ecologist during the active breeding period (May - September) and submitted for are approval with the

planning application. If bats are found to be roosting within the building mitigation will be required and a mitigation strategy should be produced and also submitted with the planning application prior to determination. The lighting scheme for the site will need to take into consideration the presence of bats in the local area and the scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding.

Reptiles - Due to the current condition of the site and as detailed within the Ecological Assessment (June 2015), there is a high chance of reptiles within the site. Due to the protection reptiles hold the applicant will need to either have a reptile activity surveys undertaken by a suitably qualified ecologist or assume a good population of reptiles are onsite and have a mitigation strategy for reptiles produced and submitted with the planning application prior to determination. Some mitigation has been proposed within the Ecological Assessment in the form of habitat manipulation, but without further reptile surveys and a lack of information on the population size this method is unsuitable. We require that the mitigation strategy includes details of reptile fencing, trapping and translocation methods, the translocation site / enhancements and the timings of the works

Nesting Birds - Any works to the trees, vegetation clearance and the buildings onsite should only be undertaken outside of the bird breeding season which takes place between 1st March - 1st October. If works are required within this time an ecologist will need to check the site before any works take place (with 24 hours of any work)."

ADC Drainage Engineers - "The applicant states that surface water will be discharged to soakaways/SuDS/watercourse. Infiltration should be investigated and prioritised prior to considering discharging to a watercourse. All ditches and watercourses require an easements for access and maintenance. The surface water drainage system requires a management/maintenance plan to ensure future effectiveness. Please apply standard conditions ENGD2A, ENGD4A, ENGD5A, ENGD6A."

ADC Arboricultural Officer - "The applicant has submitted a Tree Survey & Constraints Plan, Tree

Retentions and Removals Plan, Tree Protection Plan. All of these plans do meet the criteria as specified by the BS:5837:2012. The applicant has categorised the on trees that may be affected by this proposed development. The applicant has outlined the desire to remove three onsite trees to accommodate the proposed development. This would include the felling of G5, T7, T9, and G12. Also the application has cited the intrusion into the RPA of T3, T11, and T16. The applicant has provided the suitable methodology for working within the given RPA's. The application has also addressed the use of suitable membranes that are to be used for surfacing within the given RPA's i.e. cell web. I do have a concern about the proximity of the proposed development to T11 (an early mature specimen). Although the development of housing unit P4 has mitigation in place for intrusion into the RPA of T11, the application has not allowed space for further physical development of T11. Recommendation - Although the applicant has met the standard as described by the BS 5837:2012, I do have reservations about the proximity of the proposed dwelling P4, and the proximity to T11. I would therefore object to the proposed application." Conditions are also recommended.

ADC Affordable Housing - "The Council's Affordable Housing Policy should be applied to this application. A commuted sum payable in lieu of onsite affordable housing would be an acceptable method to meet this Planning Obligation."

ADC Greenspace Officer - no objections. Require a landscaping scheme and a contribution towards off-site open space of £1,000 per dwelling.

Comments on Consultation responses:

Comments noted. With regard to those made by the Ecology Adviser, the applicants have submitted the relevant surveys/mitigation strategies but no further response has been received from CDC.

In response to the outstanding WSCC Highways comment, the applicant has stated that "The scheme has been designed to allow a refuse truck to come into the site and turn the same as the fire engine access. I know it will be a private road but the refuse truck will have to come into the site as building regs will not allow a person to drag a bin more than 30 metres so I cannot have a collection point at the access point. Each house will simply pull their bin from the rear garden to the front of their house and refuse will pick up from within the site with permission and insurance from the owner of the private road."

Informal comments have been obtained from Environmental Services who have said that this looks like a normal arrangement for new builds in the district.

Finally, in response to the objection from the Tree Officer, the applicant has stated that: "We have (already) moved plot 4 approximately 600mm further away from T11. My tree man says this is adequate but is happy to argue if necessary". A revised Tree report has been provided and is available on the website but no further comments have been made by the Tree Officer.

POLICY CONTEXT

Designations applicable to site:

Within the Built Up Area Boundary;
Tree Preservation Order (TPO/BE/1/07);
Flood Zone 2 (part of the very eastern end of the site); and
No Public Sewer.

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#) [DEV17](#)
[GEN2](#)
[GEN7](#)
[GEN9](#)
[GEN12](#)
[GEN29](#)

Affordable Housing
Built-up Area Boundary
The Form of New Development
Foul and Surface Water Drainage
Parking in New Development
Nature and Conservation Across the District

D DM1 Aspects of Form and Design Quality
D DM3 External Space Standards
D SP1 Design
ECC SP2 Energy and climate change mitigation
ENV DM4 Protection of Trees
ENV DM5 Development and Biodiversity
H DM1 Housing Mix
H SP2 Affordable Housing
OSR DM1 Open Space, Sport and

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

	Recreation
	QE SP1 Quality of the Environment
	SD SP2 Built-Up Area Boundary
	T SP1 Transport and Development
	W DM2 Flood Risk
	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 HDQ3	Windfall sites
Bersted Neighbourhood Plan 2014 Policy HDQ5	Design of new housing development
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

XXX6	Interim Affordable Housing Policy
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POLICY COMMENTARY

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

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

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 and policies within them

will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

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

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PROPOSAL:

This application seeks planning permission for the residential development of nos. 19 and 21 Bucksham Avenue to provide 8 two storey 3 bedroom dwellings with access from Bucksham Avenue.

PRINCIPLE:

The site is located within the built up area boundary where the principle of new development is considered to be acceptable subject to other policies in the development plan. Indeed, paragraph 49 of the National Planning Policy Framework (NPPF) states with regard to housing that: "Housing applications should be considered in the context of the presumption in favour of sustainable development". It is considered that the proposal is acceptable in principle given its location in a sustainable location only a short distance from a main road and from a petrol filling station with ancillary shop.

The site is not allocated within the Bersted Neighbourhood Plan for development however NP Policy HDQ3 allows for small residential windfall sites on infill and redevelopment sites. The Policy does not define 'small' but the application is not major development so would not be

considered to be large. Regardless of whether Site 6 still has empty dwellings/plots, there is a need to provide meet house building targets.

VISUAL AMENITY AND CHARACTER OF THE AREA:

Initial pre-application enquiry sought advice on a redevelopment for 10 dwellings. It was considered this resulted in a cramped form of development. It was suggested that 8 dwellings would be appropriate as this is a much more appropriate density for the site.

The site is read visually in the context of Bucksham Avenue, Site 6 to the North & also to a lesser extent, Chichester Road and that, as such, the layout should relate to these areas. The shape of the site does not lend itself to a regular form of development as is present on Bucksham Avenue. The layout is not too dissimilar in form to Site 6 and as such is acceptable.

Concerns were raised during the application as to the layout to plots 7 & 8 and the position of their gardens. The amended layout ensures that gardens to these two dwellings will have more privacy and the streetscene within the site will be better in that there will be no need for high fences on the right hand side when approaching from Bucksham Avenue.

RESIDENTIAL AMENITY:

The proposed dwellings are a sufficient distance away from adjacent residential dwellings so as not to cause any adverse overlooking or result in loss of light issues. At the closest point, the interface to 426 Chichester Road is 23.5m whilst that between the side of plot 1 and the rear of 11 Bucksham Avenue is 21.5m. The distance between the side of plot 3 and the rear of 17 Ryefield Road (within Site 6) is 18m and this boundary is screened by protected trees. Although there will be much closer views of gardens, the interface distances will ensure these spaces are protected.

Residents have raised concerns over potential noise disturbance from new gardens. The only instances of new gardens bordering existing gardens is on the southern boundary with 426 Chichester road and as noted above, the interface distance in this location is considered to be acceptable. With regard to the comment about people in high vans seeing into existing gardens; it is considered that this can happen across the district but instances of it will be rare and will generally occur during working hours.

A number of conditions are proposed to ensure that first floor flank facing windows are obscure glazed and to prevent extensions/alterations being made in the future without a planning permission.

PARKING PROVISION & ACCESS:

West Sussex Highways have no objection in highway safety. With regard to local concerns WSCC state that the access will be 4.5m wide and allows it to be shared (allows two cars to pass). No comments are made with regard to visibility splays but the new road will be a low speed, low traffic environment and will open onto Bucksham Avenue which is a low speed dead end road. A condition has been requested to ensure that a construction management plan is submitted and this plan will deal with the parking of contractors vehicles during construction. WSCC state the proposal provides 19 parking spaces and this meets the anticipated demand calculated using the parking demand tool. It is not considered any objections on highway safety

or parking grounds could be sustained.

IMPACT ON TREES:

Area Tree Preservation Order (TPO/BE/1/07) covers the western boundary of the site. There is a large Willow on the east side on the site (within the curtilage of 11 Bucksham Avenue). The applicant provided an Arboricultural Implications Assessment and Method Statement. The Council's Tree Officer has appraised the scheme and aside from a small issue with the relationship of Plot 4 to one of the protected trees, has not raised any objections. The applicant has already moved plot 4 approximately 0.6m further away from the tree in question. This is considered to be acceptable.

FLOOD RISK & DRAINAGE:

Residents have suggested the proposal may result in increased risk of localised flooding. Part of the eastern boundary falls within Flood Zone 2. This designation only affects proposed gardens and not dwellings themselves. National Planning Policy Guidance states that residential development is appropriate within Flood Zone 2.

The Council's Drainage Engineers have assessed the proposal and not raised objections subject to conditions. One of the conditions includes the requirement to ensure arrangements are made for future access & maintenance of the watercourse along the western boundary.

Residents consider there is an issue with sewers in the area but in the absence of objections from Southern Water, it is not appropriate to raise this as a reason for refusal.

ECOLOGY:

The Council's Ecologist has made a recommendations and the applicant has provided the necessary additional surveys and mitigation reports. The Ecologist has not made further comments and it is recommended that a condition be applied to ensure the site is developed in accordance with the submitted mitigation/enhancement measures to ensure no harm to protected species and that the biodiversity of the site is preserved.

INTERNAL & EXTERNAL SPACE STANDARDS:

It is necessary to assess the proposal against internal space standards set out in the Government's Technical Housing Standards (Nationally Described Space Standard). The proposal is for 8, three bedroom dwellings but there are different sizes of bedroom and as such standards vary between 84m², 93m² and 104m². All of the dwellings exceed this requirement.

In respect of external standards, it is necessary to have regard to Policy D DM3 of the Emerging Local Plan (publication version) which has been approved by the Council for development management purposes. The requirement for the dwellings is for rear gardens of at least 85m² and 10m in depth. In terms of garden depth while many of the rear gardens are shorter and do not comply, they benefit in many cases with side gardens with only 3 gardens falling short of the 85sqm requirement.

The proposal does not completely comply with Policy D DM3. This is considered to be acceptable

as the site is right next to a footpath around the adjacent lagoon and is within walking distance of nearby public open space. A contribution towards the maintenance of existing public open space will also be provided.

AFFORDABLE HOUSING:

The Councils Interim Affordable Housing Policy 2010 requires that schemes of up to 10 dwellings provide a financial contribution towards off site affordable housing. The applicant has agreed to this and a Section 106 Legal Agreement is being prepared.

IMPACT ON PAGHAM HARBOUR:

Policy ENV DM2 of the Emerging Local Plan requires that 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. This contribution is now required for all new residential developments within Zone B. Proposals that fail to provide the necessary contribution will be considered to be contrary to Policy ENV DM2 of the Emerging Local Plan. The applicant has agreed to this and a Section 106 Legal Agreement is being prepared.

LOCAL REPRESENTATIONS:

The majority of the comments made have been dealt with in the above sections. The following comments are made in respect to those not yet discussed.

* Insufficient schools/doctors for so many new homes - this development is under the threshold at which contributions can be sought towards the improvement/maintenance of local infrastructure such as schools/doctors. On this basis, it is not considered appropriate to refuse the application for this reason; and

* Application is incorrectly described as the land is part of 19 & 21 - this may be the case but it is not clear as to when there was last a number 19 on the site (historic aerial photography shows a building in the northern corner but it is not clear as to whether this was a dwelling).

SUMMARY:

It is considered that this application is acceptable having regard to the policies of the adopted and emerging local plans including the Bersted Neighbourhood Plan. The issues highlighted above are considered to have been resolved and conditions are recommended to provide further mitigation.

Therefore, it is considered that this application should be approved subject to the conditions set out below and a S.106 legal agreement covering payments in respect of public open space (£8,000), affordable housing (£13,132) and the provision of accessible natural open green spaces to serve the area (£8,925). However, if the S.106 legal agreement has not been signed within 2 months of the date of the resolution to approve then the application should be refused for the following 3 reasons:

(1) The proposed development makes no contribution towards affordable housing provision and is

thereby contrary to the aims and objectives of Policy DEV17 of the Arun District Local Plan 2003 and the Council's Interim Affordable Housing Policy adopted on the 18th August 2010;

(2) The application fails to make a financial contribution towards the cost of providing accessible natural open green spaces to serve the Pagham area and the proposal is therefore not in accordance with Policy ENV DM2 of the Arun Local Plan 2011-2031 (Publication Version); and

(3) The proposed development makes no contribution towards public open space or children's play equipment and is thereby contrary to the aims and objectives of Policy GEN20 and the Supplementary Planning Guidance of the Arun District Local Plan.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

SECTION 106 DETAILS

This application will be approved subject to a Section 106 legal agreement relating to the following contributions:

- (1) £7,000 towards nearby off-site open space/play provision;
- (2) £13,132 payable in lieu of onsite affordable housing; and
- (3) £8,925 towards the cost of providing accessible natural open green spaces to serve the Pagham area.

RECOMMENDATION

APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT

- 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:

4872/01 Topographic Survey
01 Rev A - Site Location Plan;
02 Rev C - Block Plan;
03 Rev B - Proposed Site Plan;
04 Rev A - Proposed Floor Plans & Elevations (Plot 1);
05 - Proposed Floor Plans & Elevations (Plots 2 & 3);
06 Rev B - Proposed Floor Plans & Elevations (Plot 4);
07 Rev B - Proposed Floor Plans & Elevations (Plots 5 & 6);
08 Rev B - Proposed Floor Plans & Elevations (Plots 7 & 8);
09 - Proposed Floor Plans & Elevations (Garages);
10 Rev B - Proposed Streetscenes; and
ECO2 - Tree Protection at 21 Bucksham Avenue, Bognor Regis.

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

- 3 The development hereby approved shall be carried out in accordance with the following approved materials and explanatory drawings:

Drawing 12 - Proposed Elevation Materials (plots 1-4);
Drawing 13 - Proposed Elevation Materials (plots 5-8 & garages);
Facing Brickwork - HOSKINS BRICKS LTD "Old Farmhouse";
Tile Hanging - REDLAND "Rosemary Craftsman Clay Tile Albury Sanded Finish";
Cladding - HARDIEPLANK "Cedar Board Artic White";
Feature Soldier Courses & Cills - HOSKINS BRICKS LTD - "Old Farmhouse"; and
Roof Tiles - MARLEY EXTERNIT "Acme Single Camber Heather Blend".

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

- 4 The bathroom/WC/landing windows on the first floor flank elevations of plot nos 2, 3, 5, 6, 7 & 8 shall at all times be glazed with obscured glass and fixed to be permanently non or top opening only.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policy GEN7 of the Arun District Local Plan.

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015, (or any Order revoking or enacting that Order) no windows or other openings (other than those shown on the plans hereby approved) shall

be formed in the first floor flank walls of any of the approved dwellings without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities of adjoining residential properties in accordance with policy GEN7 of the Arun District Local Plan.

- 6 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting this Order) no extensions including porches or dormer windows to the dwelling houses shall be constructed 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 and safeguard the cohesive appearance of the development in accordance with policy GEN7 of the Arun District Local Plan.

- 7 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting this Order) no buildings shall be erected within the curtilage the dwellings unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To safeguard the amenity of adjoining occupiers, maintain adequate amenity space and safeguard the cohesive appearance of the development in accordance with policy GEN7 of the Arun District Local Plan.

- 8 No development shall commence until the vehicular access serving the development has been constructed in accordance with the approved planning drawing. The access shall be retained thereafter.

Reason: In the interests of road safety and in accordance with the National Planning Policy Framework.

- 9 No part of the development shall be first occupied until the car parking spaces and garages have been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. These spaces and garages shall thereafter be retained at all times for the parking of vehicles.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles clear of the highway in accordance with policies GEN7 & GEN12 of the Arun District Local Plan and the National Planning Policy Framework.

- 10 Details for the secure storage of bicycles within the application site curtilage shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The secure cycle storage so approved shall be implemented in accordance with the approved details and retained in perpetuity unless otherwise agreed in writing with the local planning authority.

Reason: To ensure that adequate and satisfactory provision is made for the parking of bicycles in accordance with policies GEN7 and GEN12 of the Arun District Local Plan.

- 11 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 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);
- measures to control the emission of dust and dirt during demolition and construction, lighting for construction and security; and
- details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety & the amenities of the area and in accordance with the National Planning Policy Framework.

- 12 The development must be carried out in accordance with the submitted Ecological Assessment as produced by Emma Pollard CMIEEM and dated June 2015. The relevant sections are paragraphs 42-51 (pages 10-11) and the Reptile Mitigation Strategy on pages 12-14 (including the plan on page 14 showing the locations of reptile hibernacula and log piles) of the report. The enhancements and mitigation measures shall be retained and thereafter maintained.

Reason: In accordance with Arun District Local Plan policy GEN29 and the National Planning Policy Framework.

- 13 No development including site access, demolition or associated construction activities, shall take place on the site unless and until all the existing trees/bushes/hedges to be retained on or surrounding the site have been protected by a fence and suitable ground protection (membranes) in accordance with BS5837 (2012) and Section 9, to be approved by the Local Planning Authority for erection around each tree, group of trees and vegetation to a distance of 15m or to the Root Protection Area (RPA) as calculated in accordance with Table 2 of BS5837 (2012) to be agreed in writing by the Local Planning Authority. Within the areas so fenced off the existing ground must not be cultivated, nor must it be lowered or raised or added to by the importation and spreading of top soil unless agreed by the Local Planning authority. There must be no materials, temporary buildings, plant machinery or surplus soil shall be placed or stored thereon without prior written approval of the Local Planning Authority. No trenching should occur within the protective fencing surrounding the Root Protection Area. If however there is no alternative but to locate the services then its encroachment into the Root Protection Area must be kept to a minimum and where the roots should be exposed using compressed air technology, such as the air spade to reduce damage caused by mechanical methods. If roots requiring severance to allow for the passage of services is necessary then an arboriculturist would be required to assess and determine whether the loss of the roots would be detrimental to the continued health and stability of the affected tree.

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

- 14 No development 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 policy GEN7 of the Arun District Local Plan.

- 15 Construction of the development shall not commence unless and until details of the proposed means of foul and surface water sewerage disposal has been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water. The scheme as approved shall be implemented prior to the first occupation of the dwellings and maintained in good working order.

Reason: To ensure that the proposed development has a satisfactory means of disposing of foul & surface water sewerage in accordance with policy GEN9 of the Arun District Council Local Plan.

- 16 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 policies GEN7 and GEN9 of the Arun District Council Local Plan.

- 17 The development shall not proceed until formal consent has been approved in writing from the Lead Local Flood Authority (WSCC) or its agent (ADC) for the discharge of any flows to watercourses, or the culverting, diversion, infilling or obstruction of any watercourse on the site.

Any discharge to a watercourse must be at a rate no greater than the pre-development run off values.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan.

- 18 Development shall not commence until full details of the maintenance and management of the SUDs system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include details of financial management and arrangements for the replacement of major components at the end of the manufacturers recommended design life. Upon completed construction of the SuDs System, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.

Reason: To ensure the efficient maintenance and on going operation of the SuDs system and to ensure the best practice in line with guidance set out in 'The SuDs Manual' CIRIA publication ref: C697 Chapter 22.

- 19 The development layout shall not be agreed until such time that arrangements for the future access and maintenance of any watercourse or culvert (piped watercourse) crossing or abutting the site has been submitted and approved in writing by the Local Planning Authority.

No construction is permitted, which will restrict current and future land owners from undertaking their riparian maintenance responsibilities of any watercourse on or adjacent to the site.

Reason: To ensure that the duties and responsibilities, as required under the Land Drainage Act 1991, and amended by the Flood and Water Management Act 2010, can be fulfilled without additional impediment following the development completion.

- 20 No development shall take place until details of screen walls and/or fences have been submitted to and approved by the Local Planning Authority and no dwellings/buildings shall be occupied until such screen walls and/or fences associated with them have been erected.

Reason: In the interests of amenity in accordance with policy GEN7 of the Arun District Local Plan.

- 21 Details for the domestic storage of waste & recycling within the development hereby approved premises shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

Reason: To protect the amenities of future and nearby residential occupiers in accordance with Arun District Local Plan policy GEN7.

- 22 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an

acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- 23 **INFORMATIVE:** The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.
- 24 **INFORMATIVE:** This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0845 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.
- 25 **INFORMATIVE:** Should any protected species or evidence of any protected species be found prior to or during the development, all works must stop immediately and an ecological consultant or Chichester District Council's ecologist contacted for further advice before works can proceed. All contractors working on site should be made aware of this advice and provided with the contact details of a relevant ecological consultant.
- 26 **INFORMATIVE:** A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel 033 0303 0119) or www.southernwater.co.uk.
- 27 **INFORMATIVE:** With regard to condition 16 above; 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.

- 28 **INFORMATIVE:** In accordance with Condition 13 above, a low invasive type of surfacing should be used for the exposed areas of the root protection area for T16 (the Willow Tree to the east of Plot 1) and this should be installed prior to the construction/demolition process beginning.

- 29 INFORMATIVE: The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader, West Sussex County Council, County Hall, Chichester, West Sussex, PO19 1RQ. (Tel no. 01243 642105). The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
- 30 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to the following contributions: (1) £7,000 towards nearby off-site open space/play provision; (2) £13,132 payable in lieu of onsite affordable housing; and (3) £8,925 towards the cost of providing accessible natural open green spaces to serve the Pagham area.