

REPORT UPDATE

Application No: BE/63/17/OUT

Reason for the Update / Changes

Reason for Update/Changes:

This application was deferred at the meeting on 13 December in order for a site visit to be carried out with an officer from WSCC Highways. This took place on 11 January 2018 attended by Steven Shaw, County Highways (Development Management) Team Manager and this allowed members the opportunity to question Steven as to their highway safety concerns.

At this site meeting, it became clear from temporary signage that there had been an accident on the A29 in the vicinity of the site on the 23rd December 2017. This has been investigated and concerned a van travelling along the A29 at 11.30pm that evening which left the road and crashed into a bungalow. It is understood that the Police are still investigating the accident and have not yet identified the cause. In addition, County Highways have confirmed that there were no road accidents between December 2016 (when the applicants Transport Assessment was finalised) and November 2017.

Prior to the site meeting, the applicant provided an amended drawing showing the addition of 1.8m wide pedestrian footway between the proposed access and the entrance to the Robin Hood public house site.

Officer Comment:

Proposed condition 03 has been amended to reference the Revision A version of the footway arrangements plan. This condition will now read as:

"The development hereby approved shall be carried out in accordance with the following approved plans :

Dwg. 334/P/01 Rev A "Site Location Plan";
Dwg. 334/F/03 Rev C "Proposed Site Plan",
Dwg. 160818-07 Rev A "Site Visibility";
Dwg. 160818-06 Rev A "Proposed Footway Arrangement"; and
Dwg. 160818-TK02 Rev A "Swept Path Analysis."

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."

An amended recommendation sheet is attached to this update.

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

Recommendation Report for Outline Consent

REF NO: BE/63/17/OUT

LOCATION: The Cottage
Shripney Road
Bognor Regis
PO22 9PA

PROPOSAL: Outline planning application with some matters reserved (Access only) for 20No. houses & flats, 1No. replacement dwelling (21No. units in total) with car parking, landscaping & associated infrastructure & access off Shripney Road (A29) and new footway both along the site frontage and across the A29 traffic island, all following the demolition of the existing dwelling & outbuildings. This application is a Departure from the Development Plan

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The scheme is in outline with all matters reserved except for access. It is proposed to demolish the existing dwelling & associated outbuildings and then redevelop the northern part of the site with 20 dwellings and site a replacement dwelling for the applicant on the southern part (south of the footpath).

There is already access to the southern part and this will be modified to improve visibility/radii. The existing access to the northern part will be stopped up and a replacement 4.8m wide access constructed approximately 30m to the south of the existing. This will have visibility splays of 71m to the north and 120m to the south. The scheme also proposes a new section of footway between the new access and the existing improved access for the replacement dwelling. Furthermore, new footway access is to be provided within the central reservation between Shripney Road and the service road to assist people crossing the road.

The supplied illustrative layout for the northern part suggests a scheme of:

- * 2 x 2 bed houses;
- * 9 x 3 bed houses;
- * 4 x 4 bed houses; and
- * A building comprising of 2 x 1 bed flats & 4 x 2 bed flats.

The scheme also includes 41 parking spaces (30 allocated spaces for residents & 11 unallocated spaces for residents/visitors), a landscaped buffer zone along the eastern boundary (6-8m wide) and a communal green (public open space) in the south western corner.

The scheme proposes to fell 32 trees as well as two tree groups and part of a third group. Landscaping is a reserved matter and the Council would seek replacement tree planting as part of that process. However, the illustrative layout suggests a number of new trees shown as dark green circles.

The footpath is outside of the application site area and no works are proposed to it.

The replacement dwelling in the southern part will have 3 bedrooms, space for turning and two separate parking spaces.

Members should note that following the advice of WSCC Highways and the Councils Tree Officer, the drawings have been amended to: (a) relocate part of the access road to better respect two Cedar trees; (b) adjust the siting of buildings to respect those trees to be retained; and (c) to increase the northern visibility splay from 53m to 71m.

SITE AREA

0.89 hectares.

RESIDENTIAL DEVELOPMENT DENSITY

23.6 dwellings per hectare.

TOPOGRAPHY

Predominantly flat.

TREES

There are 71 surveyed trees or groups of trees on or near the site. It is proposed to remove 32 trees as well as two groups and part of a third group.

Two Tree Preservation Orders (TPO) have been made in respect of the site.

The first, TPO/BE/1/17 refers to T1 -a Common Ash Tree located west of the existing dwelling/close to the existing site access; T2 - a Pedunculate Oak Tree located on the eastern boundary; and G1 - a group of two Lebanon Cedars to the south of the existing dwelling. This TPO was confirmed on the 20th September 2017.

The second, TPO/BE/2/17 refers to T1-T3 - three Sycamore Trees located on or immediately adjacent to the footpath which crosses the site; and T4 - a Beech Tree located in the rear garden Royce Cottage to the immediate south of the site. This TPO will be confirmed on or after the 8th of November and may therefore be confirmed by the date of the Committee meeting.

BOUNDARY TREATMENT

Mixed. Part wall, part close boarded fencing to the Hotel. Close boarded fencing to the road. Post & wire fencing on either side of the footpath. Hedging to Royce Cottage. Hedge or otherwise open to the eastern boundary.

SITE CHARACTERISTICS

The site is split into two parts. The larger half borders the hotel site to the north and comprises of the existing one and a half storey dwelling surrounded by land formerly used for horticulture and currently grazed by some sheep. There is a touring caravan and several existing single storey buildings on the land including three disused greenhouses, a detached garage and sheds. There is also a half built two storey building in the south east corner. There is a dry ditch and

bund to the eastern boundary and the remains of a dry pond within the site. There is gated access from Shripney Road.

The smaller half is separated from the former by a public footpath which connects Shripney Road on its western side to a further footpath crossing the field on the eastern side and enabling access to Sack Lane to the north east. This footpath crosses a small footbridge over the ditch on the eastern side. To the south of this lies the second part of the site which is a rectangular grassed site devoid of structures and with its own access from Shripney Road.

CHARACTER OF LOCALITY

The area is considered to be semi rural in character but with detached dwellings on both sides of Shripney Road. To the north lies the Robin Hood Pub & Hotel. There is car parking situated between the hotel and the shared boundary. To the south lies Royce Cottage, a two storey detached dwelling with a large bedroom window on the side facing the site. However, this is partially screened by existing planting. To the east, lies open arable fields. On the western side is Shripney Road with houses beyond.

RELEVANT SITE HISTORY

BE/145/07/	Outline planning application for 2no. 2 storey new dwellings within the garden of 'The Cottage' This application affects a Public Right of Way and is a Departure from the Development plan.	Refused 11-01-08
BE/51/94	Retention of Log Cabin for Agricultural Worker.	Refused 11-01-95
BE/67/92	Proposed site for agricultural caravan to replace existing caravan	ApproveConditionally 07-10-92
BE/61/90	Outline application for erection of agricultural dwelling	Refused 04-07-90 Appeal: Dismissed 29-04-91
BE/13/90	Outline Application for erection of agricultural dwelling	Refused 19-03-90

Pre-application advice was given in July 2013 for a scheme of 9 detached dwellings and the response was that the site lies outside the built up area boundary and as such was contrary to the adopted plan

and harmful to the countryside.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bersted Parish Council

"Bersted Parish Council wishes to object to the proposed development at The Cottage, Shripney Road, on the following grounds:

- 1 The site is outside the designated built up area boundary both in your current and emerging Local Plans.
- 2 The access is directly onto the A29 and, even with the proposed entrance change, it will still be dangerous for traffic entering and emerging, and would be exacerbated due to the proximity of the exit from the Robin Hood Public House restaurant and hotel.
- 3 Residents of Shripney village are already finding it difficult to get onto the A29 and a significant number of properties must access it from the service road which emerges at a difficult angle not far from the proposed site entrance. In order to get onto the A29 at this point, it is necessary to accelerate and this is likely to cause collisions.
- 4 The volume of traffic along the road is expected to increase by a significant amount due to the housing proposed just to the north in the Local Plan and this will make matters even more hazardous for both local residents and all road users.
- 5 The location of the site is not in any way a sustainable location and presumably this is why it is outside of the built up area boundary. There is no walkway on this side of the road (and only a narrow one from the village south towards Bognor Regis which is unsuitable for prams or mobility scooters). There is no safe cycleway in the vicinity of Shripney at all. The bus service runs hourly (first bus to Bognor Regis leaves at 8.08am and the last bus back leaves Bognor Regis at 5.40pm) and there is no service whatsoever on a Sunday.
- 6 The section of Shripney Road (A29) where the entrance to the proposed development will be has historically been the point of the deepest flooding. When the A29 has remained even partially open, the main carriageway at this point is completely impassable and traffic has always been diverted along the service road. Therefore, the exit/entrance to this proposed estate would be unusable.
- 7 Whilst the inclusion of a play area for resident children is a definite asset, because of the danger of the road, it may well encourage other children in the locality to attempt the crossing.
- 8 There is a character house on the site which epitomises the rural nature of the village and this will be lost."

In addition, 27 letters of objection raising the following concerns:

- (1) Site lies in the countryside;
- (2) Not allocated in the emerging Local Plan or Neighbourhood Plan;
- (3) Listed as not being developable within the HELAA report;
- (4) Shripney is not a sustainable location;
- (5) Shripney Lane is not suitable for safe cycling to Bognor due to dangerous crossing over the Bersted

- bypass, blind bends, local fly tipping and drug dealers cars being driven fast;
- (6) Lack of local pavements and road crossings;
 - (7) There is a bus only once every 2 hours not once every hour;
 - (8) Increased road safety danger particularly with the increase in traffic as a result of the BEW development & people not observing the 40mph speed limit;
 - (9) History of road accidents on this road;
 - (10) Richmond Lodge development to the south is already adding danger to the road with refuse vehicles trying to reverse in;
 - (11) Increase in parking along the Shripney Road service road causing conflict with residents;
 - (12) Sussex police do not enforce the speed limit;
 - (13) The A29 should be re-routed to the east of the Robin Hood Pub;
 - (14) Too dangerous to have a children's play area within the new development;
 - (15) Proposed fencing will not prevent balls from leaving the public open space and landing on the A29;
 - (16) Affects the public footpath;
 - (17) Increase in local noise;
 - (18) If the road floods then residents will not be able to exit the site;
 - (19) Loss of green soakaway will increase flooding elsewhere;
 - (20) Loss of frontage ditch to accommodate the footway;
 - (21) Loss of birdlife if hedgerow/brambles are removed from the eastern buffer zone;
 - (22) Loss of mature trees & bat roosts;
 - (23) Loss of characterful building;
 - (24) Impact on local rural character;
 - (25) Lack of local infrastructure & service connections;
 - (26) Impact on local power supplies;
 - (27) Lack of mains drainage;
 - (28) This will create a precedent for further development of Shripney Road; and
 - (29) Draft legal agreement on the file appears to pre-determine the application.

COMMENTS ON REPRESENTATIONS RECEIVED:

The following comments are offered in response to the points made by the Parish Council:

- 1 - This will be discussed in the report conclusions section;
- 2-4 - Highways issues will be discussed in the report conclusions section and regard will be had to the observations of WSCC Highways who do not raise any objections;
- 5 - Sustainability will be discussed in the report conclusions section;
- 6 - It is noted that this point is echoed by many of the local residents. Drainage matters will be discussed within the report conclusions section but Members should be aware that it would be difficult to justify a refusal reason based on the inability of people to enter/depart the site by motor vehicle particularly as the site itself lies in a safe area and as such there would be no threat to property;
- 7 - Although an area of public open space is shown, there is no suggestion that this will be a children's play area or that it will be suitable for ball games particularly as two trees are shown in the centre of the space. The developer will also be required to pay a contribution towards the development of an existing play area elsewhere in Bersted; and
- 8 - Noted but the house is neither locally nor nationally listed.

The following comments are offered in response to the local resident objections:

- (1) This will be discussed in the report conclusions section;
- (2) This will be discussed in the report conclusions section;
- (3) The HELAA report states that the site is not considered suitable for further development as it is located outside of the built up area boundary and is judged as having a low landscape capacity for development;
- (4) This will be discussed in the report conclusions section;
- (5) Noted. Sustainability issues will be discussed in the report conclusions section;
- (6) Noted. Sustainability issues will be discussed in the report conclusions section;
- (7) This is contradicted by Parish Council comments and by other letters which state that there is an hourly bus service Mon to Sat between 8.08am and 5.40pm;
- (8) Highways issues will be discussed in the report conclusions section and regard will be had to the observations of WSCC Highways who do not raise any objections;
- (9) Highways issues will be discussed in the report conclusions section and regard will be had to the observations of WSCC Highways who do not raise any objections;
- (10) The Richmond Lodge application (BE/100/15/PL) was approved with a layout that enables a refuse vehicle to turn within the site in order to enter and depart the site in a forward gear. However, the Council cannot force vehicles to observe this arrangement;
- (11) Highways issues will be discussed in the report conclusions section and regard will be had to the observations of WSCC Highways who do not raise any objections;
- (12) Noted;
- (13) Noted but this is not relevant to this specific planning application;
- (14) Although an area of public open space is shown, there is no suggestion that this will be a children's play area or that it will be suitable for ball games particularly as two trees are shown in the centre of the space;
- (15) Noted but see point (14);
- (16) The footpath is outside of the application site area and no works are proposed to it;
- (17) Noted;
- (18) Drainage matters will be discussed within the report conclusions section but members should be aware that it would be difficult to justify a refusal reason based on the inability of people to enter/depart their homes by motor vehicle particular as the site itself lies in a safe area;
- (19) Drainage matters will be discussed within the report conclusions section;
- (20) Part of the ditch will be lost to accommodate the footway. Council Drainage Engineers have not raised any objection on this matter and have said that any works to alter any watercourses (such as by a culvert under the footpath) will be subject to separate Land Drainage Consent;
- (21) Landscape is a reserved matter and therefore the mix of planting within the buffer area (and therefore whether existing vegetation is retained or not) should be discussed within a future reserved matters application;
- (22) The application has been subject to extensive negotiation in respect of the impact on trees and this has resulted in amendments to the illustrative layout. The Councils ecologist have also been involved and they raise no objection in respect of the impact to local bat populations. Trees and ecology will be discussed within the report conclusions section;
- (23) Noted but the house is neither locally nor nationally listed. Character issues will be discussed within the report conclusions section;
- (24) Character issues will be discussed within the report conclusions section;
- (25) Should the development be approved, the developer would be required to provide financial contributions towards local education, play space, libraries and fire safety. The NHS was consulted but have not responded with any requests;
- (26) There is no evidence to support this and it is not considered to be a material planning consideration.
- (27) Southern Water raise no objection and this will be discussed in the report conclusions section;
- (28) Although precedent is capable of being a material planning consideration, in practice, all applications are determined having regard to their own merits. Furthermore, although other houses on

the road have large gardens, these vary in size and not all would be suitable for backland development or be acceptable in other respects; and

(29) Applicants proposing major developments are required to provide a draft agreement in order for the application to be validated but this does not pre-determine the application.

CONSULTATIONS

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

CONSULTATION RESPONSES RECEIVED:

HIGHWAYS ENGLAND - Raise no objection on the basis that the trip generation will not adversely affect the safe and efficient operation of the A27.

SOUTHERN WATER - Note that there is insufficient local infrastructure in place to serve the development and therefore require the development to provide its own infrastructure. No objection is raised subject to a foul drainage scheme condition and also a condition to protect any sewer that might be found on the site.

NHS COASTAL WEST SUSSEX COMMISSIONING GROUP - No response received (two reminders sent).

SUSSEX POLICE - Have no concerns with the site layout/design other than with the public footpath

running through the site. Requests that the footpath be improved with lighting, widening and devoid of potential hiding places. Also request that the cycle store be relocated to a position with better natural surveillance. Lighting across the site should conform to BS5489:1-2013.

WEST SUSSEX HIGHWAYS - Initially responded with an objection on the grounds of the safety of the proposed pedestrian access works and the visibility splays for the vehicular access. There has followed a series of negotiations with the applicant's transport consultants which have resulted in three further responses culminating in a letter dated 25/08/17 withdrawing the initial objections. WSCC has stated that the Design Manual for Roads and Bridges (DMRB) standards have been met and that the visibility splays are appropriate. Further, that the pedestrian crossing point can be dealt with through a planning condition. Conditions are required in respect of pedestrian access works, implementation of the access, implementation of visibility splays and implementation of the Stage 1 Road Safety Audit recommendations.

WEST SUSSEX FLOOD RISK MANAGEMENT - Note that there is a low risk of surface water flooding within the site but that there is high risk shown in the adjacent carriageway at the site's access. State that any existing surface water flow paths across the site must be maintained and that there should be no wholesale site level raising via the spreading of excavated material.

WEST SUSSEX LOCAL DEVELOPMENT DIVISION - Require that financial contributions be secured for education (primary/secondary/6th form), library and fire & rescue infrastructure.

COUNCIL ECOLOGIST - Raise no objections. Is satisfied with the proposed measures to mitigate the impacts on bats, reptiles, mammals and require conditions to enforce these mitigation measures and also implement additional measures specified by the officer. This includes the retention of on-site hedgerows. Conditions are also requested to ensure proposed lighting is sensitive to the requirements of bats and to restrict tree works during the bird breeding season.

ADC ENVIRONMENTAL HEALTH - No response received.

ADC LANDSCAPE OFFICER - Require a contribution of £1,600 per dwelling (index linked) towards off-site local play.

ADC DRAINAGE ENGINEER - Request that infiltration needs to be investigated for surface water disposal and that land drainage consent will be required for any culverting or alteration to watercourses. Raise no objection subject to six drainage conditions.

ADC HOUSING STRATEGY & ENABLING OFFICER - Raise no objection as the applicant is proposing to deliver 6 affordable dwellings on-site to meet the requirements of the Council's Affordable Housing policy.

ADC ARBORICULTURIST - The application has been subject to 5 separate arboricultural responses which have detailed various slight concerns with the site layout. The applicant has amended the scheme to resolve these concerns and the final response dated 21/09/17 raises no objection subject to two conditions. The changes to the layout have been such that the Arboriculturist now considers that the Tree Preservation Order trees 34, 35, 36, 37 & 45 are all now fully respected.

COMMENTS ON CONSULTATION RESPONSES:

All comments noted and all conditions and informatives are included in the recommendation.

In respect of the Sussex Police comments, the public footpath is an existing feature and is not within the

applicants ownership such that they could not make any alterations to it. The cycle store would need to be relocated at a future time as layout is a reserved matter.

POLICY CONTEXT

Designations applicable to site:

Outside the Built Up Area Boundary;
 Class A Road;
 Special Control of Adverts;
 Tree Preservation Orders (TPO/BE/2/17 & TPO/BE/2/17); and
 No Public Sewer.

DEVELOPMENT PLAN POLICES

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

GEN2	Built-up Area Boundary
GEN3	Protection of the Countryside
GEN7	The Form of New Development
GEN8	Development and the Provision of Infrastructure
GEN9	Foul and Surface Water Drainage
GEN12	Parking in New Development
GEN18	Crime Prevention
GEN20	Provision of Public Open Space within New Development
GEN29	Nature and Conservation Across the District
GEN32	Noise Pollution
GEN33	Light Pollution
DEV17	Affordable Housing

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

C SP1 Countryside
D DM1 Aspects of Form and Design Quality
D SP1 Design
ECC SP2 Energy and climate change mitigation
ENV DM4 Protection of Trees
ENV DM5 Development and Biodiversity
H DM1 Housing Mix
INF SP1 Infrastructure provision and implementation
LAN DM1 Protection of Landscape Character
OSR DM1 Open Space, Sport & Recreation
QE DM1 Noise Pollution
SD SP1 Sustainable Development
SD SP2 Built -Up Area Boundary
T DM1 Sustainable Travel and Public Rights of Way
T SP1 Transport and Development
W DM3 Sustainable Urban Drainage Systems

Main Modifications of the Local Plan (April 2017):

Housing Allocations

SD SP1a Strategic Approach

Bersted Neighbourhood Plan 2014 Policy ES1	Design of new development
Bersted Neighbourhood Plan 2014 Policy ES2	Surface water management
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 GA1	Pedestrian and Cycle Connections
Bersted Neighbourhood Plan 2014 Policy HDQ1	Housing Site Allocations
Bersted Neighbourhood Plan 2014 Policy HDQ2	Integration of new housing
Bersted Neighbourhood Plan 2014 Policy HDQ3	Windfall sites
Bersted Neighbourhood Plan 2014 Policy HDQ4	Housing mix
Bersted Neighbourhood Plan 2014 Policy HDQ6	Outdoor space
Bersted Neighbourhood Plan 2014 Policy HDQ7	Attention to detail
Bersted Neighbourhood Plan 2014 Policy HDQ8	Car parking

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD1	Open Space & Recreation Standards
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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.

A new local plan is in preparation and is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

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

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

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a

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

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

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

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

The relevant policies of the Bersted Neighbourhood Plan have been taken into account in this determination.

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 adopted Local Plan (GEN2, GEN3), Neighbourhood Development Plan (ES7) and emerging Local Plan policies (SD SP2, C SP1) in that the site lies outside the built up area boundary where development is generally not allowed. However, the proposal is considered to comply with all other development plan policies relating to design, residential amenity, parking, drainage, trees, ecology, affordable housing, local infrastructure, public open space/play and landscape.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background as detailed in the Conclusion section. These include the National Planning Policy Framework (NPPF) and associated Guidance, the lack of a 5 year housing land supply provision for Arun, the Secretary of State's two recent decisions concerning the Call-in Inquiries for the Fontwell and Burndell Road applications; the CIL Regulations 2010 (as amended) and an appeal decision concerning three live/work units at Sack Lane, Aldingbourne (ref APP/C3810/W/16/3148035).

CONCLUSIONS

PRINCIPLE:

The development plan for Arun District currently comprises the Arun District Local Plan (2003) (saved

policies) and the Bersted Neighbourhood Development Plan (November 2014).

Arun District Local Plan 2003

The policies of most relevance are saved policies GEN2 and GEN3 of the Arun District Local Plan (ADLP). Policy GEN2 states that outside of the built up area boundary (BUAB), development will not be permitted unless it is consistent with other ADLP policies.

ADLP Policy GEN3 "Protection of the Countryside" states that except for various categories of development (of which none apply to the application proposal), development within the countryside will not be permitted. As this site lies outside the nearest BUAB, it is categorised as being within the countryside and the scheme would therefore conflict with ADLP Policies GEN 2 and GEN 3.

Bersted Neighbourhood Development Plan

The Bersted Neighbourhood Plan (BNDP) was made (adopted) in November 2014 on the basis of the saved policies in the ADLP and the draft policies in the 2014 publication version of the emerging Arun Local Plan (eALP).

Appendix F of the BNDP includes a BUAB drawn around the edge of the larger settlement of Bognor Regis (of which North & South Bersted are a part) which broadly compares with that provided by the ADLP. There is no separate BUAB drawn around the settlement of Shripney. The site lies some distance outside of this BUAB and the application site is therefore classified as countryside. Policy ES7 states that development outside of the BUAB will not be supported. It is noted that policy HDQ3 "Windfall Sites" states that permission will be granted for small residential developments on infill and redevelopment sites within the Parish but this is to be subject of the other policies in the Plan (including ES7). Furthermore, this is not considered to be a small site and therefore, policy HDQ3 would not apply.

As set out above, the scheme conflicts with the ADLP policies GEN2 and GEN3 and therefore conflicts with policy ES7 of the BNDP as it fails to protect countryside in accordance with those policies.

Emerging Development Plans

This includes the emerging Arun Local Plan 2011-2031 Publication Version October 2014 (eALP) as modified March 2017 ('the modified eALP').

The eALP was submitted for examination in January 2015. However, following a material increase in the Objectively Assessed Need (OAN) for housing, the eALP examination was suspended to allow ADC to review potential additional locations for housing development. The proposed Modifications were approved by Full Council and consultation took place on the new document ("Arun Local Plan 2011-2031 Publication Version showing Modifications") between 10 April and 30 May 2017.

The hearing sessions into the examination of the Arun Local Plan ended on Thursday 28 September 2017 and the Inspector has since written to the Council to set out his 'Interim Views following the Hearings'. The Council is currently preparing a composite Schedule of Proposed Main Modifications (MMs) to be provided to the Inspector.

Policy H SP1 "Housing Allocation" of the modified eALP sets out the overall provision of 20,000 new homes through the Local Plan phased over the plan period to 2031. It includes a reference to additional allocations for small sites being made across the District through emerging Neighbourhood Plans or reviews of made Neighbourhood Plans.

Policy H SP2 "Strategic Site Allocations" is split into 3 sections covering different areas of the District. An allocation is proposed by Policy H SP2a on land west of Bersted for 2,500 dwellings but the application is actually closer to the allocation concerning the settlements of Barnham, Eastergate and Westergate under policy HP2c for 2,300 dwellings. The application does not form part of either of these two allocations.

Policy SD SP2 "Built up Area Boundary" states that outside the BUAB, apart from Strategic, Site Specific and Broad Allocations, development will not be permitted unless consistent with other plan policies. In addition, Policy C SP1 "Countryside" states that residential development in the countryside outside of the BUAB will not be permitted unless in accordance with policies in the Plan which refer to a specific use or type of development. As the proposed site does not form part of a proposed allocation and is not in accordance with another policy within the eALP, the exception would not apply and the proposal would be contrary to eALP policies SD SP2 and C SP1.

The proposed development is not located in a strategic, site specific or broad allocation in the eALP, so the application will need to be considered alongside other plan policies.

Planning Balance

For reasons given above, the application is not in accordance with ADLP Policies GEN2 & GEN3 or policy ES7 of the BNDP. As set out below, these policies are all out-of-date and carry limited weight.

The following sets out whether there are any material consideration which indicate that the proposal should be determined other than in accordance with the development plan.

There has been an almost doubling of the objectively assessed need (OAN) for the Arun District to 919 dwellings per annum (dpa) and the current reported housing land supply figure for Arun District is only around 2.07 years (as at 31/03/17). This demonstrates that there is a pressing need to identify and bring forward deliverable sites for housing and that ADC cannot demonstrate a 3 or 5 year supply of deliverable housing sites.

In recognition of this, the Local Plan Sub-Committee resolved in December 2016 to invite planning applications for the first phases of sites being investigated at potential strategic allocations. It was also resolved to invite planning applications on sites identified as being 'deliverable' within the Housing and Employment Land and Availability Assessment (HELAA) where they are considered sustainable and will not prejudice the emerging local plan and/or infrastructure delivery.

The 2017 HELAA report assesses the application site (Ref 143) as not currently being developable due to its low landscape capacity for development and its location outside of the settlement boundary.

Given the absence of a 5 year housing land supply, paragraph 14 of the NPPF is engaged and planning permission should be granted unless (a) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole or (b) specific policies in the Framework indicate development should be restricted. As the Council cannot demonstrate a 3 year supply of deliverable housing sites, the Written Ministerial Statement on Neighbourhood Planning (12 December 2016) does not apply. Paragraph 49 of the NPPF is also engaged, which states that the relevant policies for the supply of housing should not be considered up-to-date if the LPA cannot demonstrate a 5-year housing land supply.

Given the significant shortfall in housing supply, only limited weight can be given to the conflict with out-of-date ADLP Policies GEN2 & GEN3 and policy ES7 of the BNDP. Policy GEN2 is clear that the boundaries of the built-up area were defined 'for the purposes of the West Sussex Structure Plan and

this District Local Plan'. The built-up areas were drawn for the purposes of defining the extent of the built-up areas and countryside. This was done with the background of the required number of dwellings for the plan making period being provided within the built-up areas or on allocated sites (up to 2011).

The Inspectors decision for the called-in Inquiry concerning 108 residential dwellings at Burndell Road (Ref APP/C3810/V/16/3158261) stated that policies GEN2 & GEN3 are out of date in that the aLP does not plan for housing beyond 2011, that they pre-date the NPPF and do not seek to establish an Objectively Assessed Need (OAN). Both policies also do not accord with the NPPF in that they protects the countryside for its own sake. The Inspector considered this to be a material consideration weighing against the policy to which was attributed significant weight.

Furthermore, in allowing the Burndell Road call-in, the Secretary of State confirmed that policies GEN2 & GEN3 are out of date and given that the housing land supply is only 1.9 years, that these policies carry limited weight.

The BNDP was produced based on both the Local Plan (Summer 2013) and the Publication Version of the Local Plan (excluding the spatial portrait, employment and enterprise, housing allocations, transport, monitoring and implementation sections) dated 14 February 2014. Both of these documents predate the version of the eLP which was tested at Examination and subsequently revised into the modified version. Therefore only limited weight can be given to the conflict with the BNDP to protect the countryside, as the context within which the BNDP was prepared has significantly changed.

Presumption in favour of Sustainable Development

Regard should also be had to the policies contained in the National Planning Policy Framework (NPPF) which are a material consideration in the determination of this proposal. In the event of conflicts between policies in the development plans or with Government policy, it is the most recent policy which takes precedence. With this in mind, the NPPF, which was issued in March 2012, is materially relevant and should be afforded significant weight.

Paragraph 7 of the NPPF states that in order to achieve sustainable development; economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

(1) Environmental Role

The site is within the small settlement of Shripney but some distance from the nearest built up area boundaries (BUAB) of either Bognor Regis or Westergate.

The Institute of Highway and Transportation (IHT) publication 'Guidelines for Providing Journeys on Foot (2000)' sets out recommended guidelines for walking distances and provide desirable, acceptable & preferred maximum distances. For town centres these range between 200 to 800 metres, for commuting/school 500 to 2000 metres and elsewhere 400 to 1200 metres. As this is not a town centre location the relevant distances would be 400m-1200m for day to day journeys and in respect of school/work commuting, 500m-2000m.

The nearest schools are:

- * Aldingbourne Primary School - 2.43km;
- * Ormiston Six Villages Academy - 3.7km;
- * Bersted Green Primary School - 2.48km;
- * Bartons Primary School - 3.28km;
- * Downview Primary School, Felpham - 3.7km;

None of these are within the maximum walking distance of 2000m but they could also be reached by bus. There are however, several potential workplaces within only 2km of the site.

The following facilities are available in the local area are within a walking distance (using footways alongside local roads) of less than 400m from the proposed site entrance:

- * The Robin Hood Public House approximately 100m north of the site access; and
- * North- & South-bound bus stops adjacent to the Premier Inn. These bus stops are served by service 66, which operates a circular route between Bognor Regis, Barnham, Yapton and Bognor Regis every 1-2 hours on Mondays to Saturdays.

The following facilities are available in the local area are within a walking distance (using footways alongside local roads) of between 400m and 1200m from the proposed site entrance:

- * Additional bus stops are located 1.2km south of the site and these are served by buses 61 and 62 providing connections to central Bognor Regis;
- * The nearest Supermarket is Lidl some 1.2km to the south of the site;
- * In close proximity to the Lidl, also within the 1.2km distance, there is a McDonalds, KFC, Halfords, Home Bargains store and a B&M Home Stores.

The following facilities are located further afield:

- * Westergate Post Office/shop is 2.2km north of the site;
- * There are various additional shops & services located along Shripney Road in the northern part of Bognor Regis including Sainsburys and Tesco's superstores;
- * Bersted Green Surgery is 2.6km south west of the site;
- * Barnham railway station can either be reached by bus or on foot/by bicycle at a distance of 5.89km;
- * It is considered that the use of local footpaths would reduce the distance to Barnham railway station but would not be suitable in hours of darkness or inclement weather; and
- * Bognor Regis railway station can either be reached by bus or on foot/by bicycle at a distance of 3.33km;

There is a footway along the west side of the Shripney Road service road in the vicinity of the site which benefits from street lighting. It is proposed to provide a crossing point across the A29 between the site and this service road. This footway allows safe walking to the northern edge of Bognor Regis. There is also a public footpath 151 crossing the site which provides access to Sack Lane and on to Barnham and Yapton;

The applicant has provided a Technical Note on Site Sustainability which asserts that the site is sustainably located and therefore in accordance with the NPPF. These assertions are based on the standards given in "Planning for Walking" (2015), "Planning for Cycling" (2015), "Manual for Streets", "Design Manual for Roads and Bridges" and the DfT "Local Transport Note 2/08 - Cycle Infrastructure Design". It is stated that employment and food shopping areas are all within the 1.6km distance recommended by Planning for Walking while employment, education, health and food shopping are all within the 8km distance recommended by Planning for Cycling.

Paragraph 29 of the NPPF states that: "The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas."

It is also considered that regard should be had to an appeal decision concerning three live/work units at Sack Lane, Aldingbourne (ref APP/C3810/W/16/3148035). This site lies 645m due east of the site (as the crow flies) and is significantly further away by road from local shops, services and facilities.

The Inspector noted that Sack Lane intersects with the A29 thoroughfare and that there are bus stops on the A29 (1km from the site) plus a holiday park, understood to have a convenience shop on site (1.1km from the site). He considered that it would not necessarily be an insurmountable task for the future occupiers of the proposed properties to walk the distance to access the bus stop or the shop (assuming that it is open to the general public). However, in view of the lack of lighting & footways along Sack Lane, the Inspector considered that it would be highly unlikely that the future occupiers would make use of these services, particularly at time of inclement weather or dark conditions. The Inspector also noted that there was public footpath access to the retail park to the south but that this journey would be somewhat circuitous.

The Inspector therefore ruled that the appeal site is not particularly well located to promote methods of travel other than by private motor car. However, he then had regard to paragraph 6 of the NPPF which states that the policies in the NPPF must be taken as a whole in order to ascertain what sustainable development means in practice - and he had regard therefore to paragraphs 28 and 34 which seek to promote a strong rural economy.

Paragraph 34 of the NPPF states that "Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. However this needs to take account of policies set out elsewhere in this Framework, particularly in rural areas.". Furthermore, paragraph 29 states that "... different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas".

The other environmental aspects of sustainable development (impact on trees, ecology) are considered in detail in the report below but it is concluded that there are no adverse environmental impacts associated with these.

(2) Social Role

It is considered that the proposal could support the local community by providing up to 20 new homes including 6 affordable dwellings to help meet future needs. These factors weigh in the scheme's favour.

(3) Economic Role

It is considered the proposal would likely result in economic benefits to the local area in the form of the following:

- * An increase in Council Tax receipts;
- * Potential 'New Homes Bonus' payments from the Government;
- * Financial contributions towards local libraries, education establishments and play areas;
- * Creating/Maintaining Construction Jobs; and
- * Additional spending by new residents on local goods & services.

Assessment of Sustainable Development

It is considered that the proposal is clearly socially and economically sustainable. It is not considered that the proposal would adversely affect the ecology of the site or the existing high value (and now protected) trees. The site is not considered to be sustainably located. However, regard should be had to

the advice in paragraphs 29 and 34 of the NPPF that different circumstances and criteria should be applied to sites in the rural area.

The definition of sustainable development does not simply relate to accessibility of services and facilities and it is considered, on balance, that the proposal would be environmentally, socially and economically sustainable and would therefore benefit from the NPPF presumption in favour of sustainable development.

Conclusion on Matters of Principle:

Overall, the principle of development on this site is contrary to the development plan, however, as Arun District Local Plan policies GEN2 and GEN3 and the intention of the BNDP to protect countryside (policy ES7) are out of date, in accordance with paragraph 49 of the NPPF they carry reduced weight. The material considerations set out above are considered to weigh in favour of granting permission.

The proposed development would provide an additional 20 houses which are needed in Arun District. The proposed development should be considered in the context of the presumption in favour of sustainable development. It is considered that the development would have a positive effect upon the supply and location of housing and therefore, the principle of residential development on this site would, in current policy circumstances and as set out in the NPPF, be acceptable. The assessment will now consider other policy considerations and whether this gives rise to any adverse impacts.

Some policies of the Framework are cast in terms which indicate that in certain circumstances planning permission should be restricted. These, in this case, relate principally to landscape, flooding, access/highway safety and the natural environment. Having regard to the tests set out in the NPPF in relation to these issues, and in the context of the content of this report, it is considered that the circumstances are such that none of these issues amount to a reason for withholding planning permission either because the matter can be controlled by suitable conditions, content of the Section 106 agreement or because the public benefit outweighs the harm in respect of any such issues.

It is therefore considered that the objections on the grounds of principle raised by both the Parish Council and by local residents have been resolved by the above analysis..

HOUSING MIX:

Policy HDQ4 of the BNDP requires that proposals deliver a range of house types & tenures and that applications demonstrate how the development addresses the needs of current and future households.

The illustrative layout sets out the following mix of house types:

2 x 1 bed flats @ approx. 58 sq. metres each (Affordable);
4 x 2 bed flats @ approx. 73 sq. metres each (Affordable);
2 x 2 bed terraced houses @ approx. 87 sq. metres each (Market);
4 x 3 bed terraced houses @ approx. 100 sq. metres each (Market);
4 x 3 bed semi-detached houses @ approx. 105 sq. metres each (Market);
2 x 4 bed detached houses @ approx. 120 sq. metres each (Market);
2 x 4 bed detached houses @ approx. 145 sq. metres each (Market); and
1 x 3 bed detached house @ approx. 162 sq. metres (Market).

It is considered that the proposed mix is varied and does reflect the varying needs of the District such that policy HDQ4 of the Neighbourhood Development Plan is complied with. There are no adopted Local Plan policies relating to housing mix.

LANDSCAPE:

Although the site is neither within a protected landscape nor likely to impact on the setting of the South Downs National Park, the protection of landscape character is still an important consideration.

Policy GEN7 of the ADLP requires that (vi)) new development retain significant open or wooded areas which, in their own right, make a material contribution to the local environment. There are no landscape based policies within the BNDP however regard should be had to Policy LAN DM1 of the modified eALP which 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."

It is noted that 2017 HELAA report stated that the site had a low landscape capacity and that any development would have an effect upon the local landscape.

A Landscape Statement has been submitted which seeks to assess the impact of the proposal on the landscape and to determine what mitigation measures are appropriate. This states that:

- * The scheme proposal has been developed to address in landscape and visual terms, how the site could be developed in a way that retains significant vegetation on the site whilst minimising the visual implications of development on the limited views from the A27 road corridor and the wider countryside to the east;
- * The site is considered to offer a good opportunity to deliver a modest and attractive redevelopment embedded within the established framework of Shripney; and
- * The development proposals would not be widely visible from the open countryside to the east and the range of landscape measures identified would contribute positively to landscape integration and the perception of a well vegetated settlement edge.

The illustrative layout plan shows that the planting along the eastern boundary will be strengthened in order to screen the development from the open fields to the east. This planted area would then be left as a buffer zone. The layout also retains a number of trees within the site and suggests that these would be supplemented with new tree planting across the site and to the site frontage.

Arun DC Landscape Officers have not raised any objections to the scheme on landscape or visual grounds.

The proposal is therefore considered to accord with policy GEN7 of the ADLP and policy LAN DM1 of the modified eLP.

DESIGN & CHARACTER:

Both the Parish Council and local residents object to the loss of a characterful building and to the impact of the development on rural character.

Arun Local Plan Policy GEN7 (ii) requires that new developments respond positively to the identified characteristics of a particular site to create developments which respect local characteristics.

Bersted Neighbourhood Plan policies ES1, 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 its location".

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 certain features are integrated into the design at an early stage but this would not apply to this outline scheme as such matters would only be applicable to the reserved matters of scale, appearance and layout.

It is also necessary to consider the guidance within the National Planning Policy Framework. Section 7 states that good design is a key aspect of sustainable development (paragraph 56), and that developments should respond to local character & history, reflect the identity of local surroundings & materials, establish a strong sense of place and be visually attractive as a result of good architecture (paragraph 58). Paragraph 60 advises that local planning authorities should promote or reinforce local distinctiveness. Paragraph 64 then confirms that planning permission should be refused for poor design that fails to improve the character or quality of an area.

A Design and Access Statement (DAS) has been submitted with the application. This states that the illustrative layout has been inspired by the unique features of the site and in particular, those mature trees which are to be retained. The need to improve visibility and protect trees has also influenced the position of the access and the route of the new roadway. The layout has also been designed with smaller units situated to the front of the site, with main aspects facing the communal open space, and the larger, detached dwellings situated to the rear, with generous spacing providing views through the proposed buffer zone to the countryside.

Scale is a reserved matter but it is envisaged that the buildings will be two storeys although some will have dormers within the roof space to facilitate additional attic level accommodation.

It is considered that the layout design is functional having regard to the size and shape of the site and in respect of the need to retain trees. The dwellings are also set well back from the road frontage as per the existing site and this, alongside the existing/proposed planting will minimize any impact to the streetscene. The proposed density is around 24 dwellings per hectare and this is considered to be appropriate in this semi-rural area.

The proposed replacement dwelling within the southern part of the site will have a similar site position to both the current dwelling and to the neighbouring property to the south with deep front and rear gardens and off-street parking to the front.

It is therefore considered that the proposal would be in accordance with policy GEN7 of the ADLP, policies ES1, HDQ2 & HDQ5 of the BNDP and the guidance on design in the National Planning Policy Framework.

HIGHWAY SAFETY & PARKING:

Both the Parish Council and local residents object to the application on the grounds that the A29 in Shripney is already dangerous, that access from the site will increase that danger and that traffic along the A29 will increase in the future due to other developments thus worsening the situation further. Concerns are also raised in respect of pedestrian safety and parking conflicts with existing residents.

Arun Local Plan policy GEN12 refers to the need to provide sufficient off-street parking. However, the

standards within the appendices to the Local Plan which it refers to have been superseded by the West Sussex (Residential) Parking Demand Calculator. This indicates a total demand for the development of 41 spaces and the proposed illustrative layout satisfies this requirement with 30 allocated spaces for residents & 11 unallocated spaces for residents/visitors. This is also in accordance with the requirement for 2 off-street spaces per dwelling set out within policy HDQ8 of the BNDP. The illustrative layout also shows a secure, covered cycle store for the flatted building.

Policy GEN7 (vii) requires that new development allow for the safe movement of pedestrians and vehicles, giving priority to pedestrians. Regard should also be had to paragraph 32 of the National Planning Policy Framework which states that: "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe".

West Sussex Highways originally raised an objection to the application on the grounds of insufficient visibility based on the use of Manual for Streets parameters as opposed to the standards of the Design Manual for Roads & Bridges. However, over the course of several weeks, negotiation took place between the applicant and WSCC Highways which resulted in the objection being withdrawn. The final comments stated that:

"The LHA have now reviewed this information and after discussions with our Principal Engineer we are satisfied with the proposed visibility as shown in drawing no:160818-07. As detailed below once a wet weather reduction is deducted from the recorded 85th percentile speed, the LHA are in agreement that DMRB Desirable Minimum standards are met. The LHA are satisfied with the splays proposed of 120m to the south and 71m to the north from a 2.4m set back."

The application has also been subject to a Stage 1 Road Safety Audit and one of the outcomes of this is a proposal for a new crossing point on the A29 adjacent to the site. In addition, it is proposed to provide a footway between the new site access and the existing access to the site of the replacement dwelling.

It is noted that BNDP policy GA1 states that support will be given to proposals which increase or improve the network of footpaths/footways. The proposed new footway linking the two accesses will provide safe access by the new residents to the public footpath which crosses the site. The new crossing point will assist persons crossing the A29 to access the footpath on the western side which links to Bognor Regis to the south. It is considered that these initiatives would be supported by the BNDP. WSCC Highways consider that the new crossing point can be detailed and implemented by way of a planning condition.

It is therefore considered that the proposal is in accordance with the relevant development plan policies and in respect with the guidance with the NPPF.

TREES:

Local residents have raised concerns as to the potential loss of mature trees within the site.

Policy ES6 of the BNDP states that:

"Development that damages or results in the loss of ancient trees/trees of arboricultural and amenity value or loss of significant ground cover and habitat will be resisted. Development proposals must be designed to retain wherever possible ancient trees or trees of good arboricultural and amenity value. Proposals should be accompanied by a tree survey that establishes the health and longevity of any affected trees and a management plan to demonstrate how they will be so maintained."

Following an initial objection from the Councils Tree Officer and the imposition of two separate Tree Preservation Orders, the applicant has amended the layout drawing in order to now gain support from

the Tree Officer. The changes to the layout were primarily to better respect existing trees of high value.

The application is also accompanied by a Planning Integration Report which includes a Tree Survey, a Tree Protection Plan and guidance on protective fencing & no dig construction methods. The decision will be conditioned in order that demolition & construction works are carried out in strict accordance with these documents.

On this basis, it is considered that the proposed development complies with policy ES6 of the BNDP.

ECOLOGY:

Local residents have raised concerns as to the loss of birdlife from the eastern buffer zone and the loss of any existing bat roosts.

Arun Local Plan policy GEN29 states that development will only be permitted on sites which contain semi-natural habitats, features of nature conservation interest, or within wildlife corridors, where these can be largely retained and sympathetically incorporated into the scheme. There are no policies in the BNDP relevant to ecology. Consideration should also be given to policy ENV DM5 of the modified eALP which requires that existing habitats are protected, that detailed surveys of protected species will be required and that mitigation measures will be incorporated into the development scheme.

The application was accompanied by a Preliminary Ecological Appraisal and subsequently by the addition of a Bat Activity Survey. These documents have been carefully appraised by the Council's ecologist and no objection is raised to the proposals. A number of the proposed mitigation measures will be secured by condition and the developer will also require a Natural England species licence to carry out works on the site.

It is noted that existing hedgerows will be retained (this is the subject of a planning condition) and the mix of any new planting/management of existing within the eastern buffer zone will be considered within a reserved matters application.

Overall, subject to the mitigation measures secured by planning condition, it is considered that the proposed development accords with policy GEN29 of the ADLP and policy ENV DM5 of the modified Local Plan in relation to the impact on protected species and the potential for the scheme to protect existing habitats where possible and provide enhancements.

FLOODING & DRAINAGE:

Both the Parish Council and local residents have raised a number of concerns in respect of the flooding of the local highway, the impact of development on the site on existing flood levels and the loss of part of the ditch to the frontage.

Bersted Neighbourhood Plan policy ES2 requires surface water management measures for development proposals to ensure that the risk of flooding both on-site and downstream is not significantly increased. Arun Local Plan policy GEN9 states that:

"Planning permission for development which will materially increase foul and/or surface water discharges will be refused unless the Local Planning Authority is satisfied that either adequate drainage capacity exists or appropriate drainage capacity can be provided as part of the development. Consideration should also be given to the use of Sustainable Urban Drainage Systems (SUDS) as alternatives to conventional drainage where appropriate."

Both WSCC and ADC Drainage Engineers have commented on the application. However, neither raise any objection to the principle of development and instead require details to be provided at a later stage in respect of surface water drainage, the culverting of the ditch. WSCC comment specifically on the flooding situation and note that the site itself is not subject to flooding. They require that existing surface water flows across the site are maintained and that there is no site level increases. These issues would be subject to discussion at the reserved matters stage.

Members should be aware that it would be difficult to justify a refusal reason on flooding based on the inability of people to enter/depart the site by motor vehicle particularly as the site itself lies in a safe area and as such there would be no threat from flooding to property.

It is therefore considered that the proposal is in accordance with the relevant development plan policies.

FOUL DRAINAGE:

A local resident has stated that there is a lack of mains drainage capacity within the local area.

Arun Local Plan policy GEN9 also requires that either adequate foul drainage capacity exists or appropriate foul drainage capacity can be provided to serve the development. Southern Water have commented on the application. They consider that there is inadequate local infrastructure in place to serve the development and that therefore, the development would be required to provide additional on-site infrastructure. A condition is recommended to require that a drainage strategy is submitted and agreed to detail the proposed means of foul disposal or prove a discharge no greater than the existing.

Subject to the satisfactory resolution of this condition, the proposal would be considered to comply with the relevant development plan policies.

RESIDENTIAL AMENITY:

Arun District Local Plan Policy GEN7 (iv) indicates that development will be permitted if it takes into account impact on adjoining occupiers, land, use or property. None of the Bersted NDP policies refer to residential amenity issues. However, one of the 'core planning principles' of the NPPF is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings (paragraph 17).

It is not considered possible to make a detailed assessment of residential amenity at this stage given that layout, scale and appearance are all reserved matters. However, in principle it is not considered that any of the proposed dwellings shown on the illustrative layout would be sited in such a way as to result in any harm to the privacy, outlook or amount of light to existing neighbouring properties (including temporary residents of the hotel).

SPACE STANDARDS:

Residential development proposals must be assessed against the internal space standards as set out in the Governments new Technical Housing Standards (Nationally Described Space Standard). It is not possible to make an assessment at this time as there are no floorplans. However, the submitted Design and Access Statement does state that the indicative gross internal areas are fully compliant with the national internal space standards.

Policy D DM3 of the modified eALP sets out the Council's external space standards and despite not being an adopted policy is currently being used for development management purposes and has been subject to testing at appeal.

There are two requirements to the policy. Firstly, a minimum rear garden depth of 10m. The rear garden depth serves to (a) ensure that rear gardens are usable spaces and (b) to provide for a 20m back to back distance between dwellings. This depth standard may be relaxed if both of the following situations are in existence: (a) there is no back to back arrangement (and no realistic possibility of a future back to back arrangement); and (b) where the garden is sufficiently wide so as to exceed the area requirement.

The second requirement concerns the area of the private rear garden and in this case should be at least 50m² for 2 bedroom terraced houses, 65m² for 3 bedroom terraced houses, 85m² for semi/detached properties of no more than 3 bedrooms and 100m² for larger semi/detached properties. Flats are dealt with differently and would require a small private space such as patio, roof garden or balcony.

The illustrative layout has been assessed and 10 of the 15 houses are considered to accord with the standards. None of the 5 flats comply but only because there is no detail as to whether they have ground level patios or balconies. As layout, appearance and scale are reserved matters, it would not be possible to raise this as an objection.

AFFORDABLE HOUSING:

For all developments over 15 residential units, the Council requires the minimum provision of 30% affordable housing on site, as set out in Policy AH SP2 of the modified Local Plan and in the Interim Affordable Housing Policy (2010).

The proposal includes 30% affordable housing - equating to 6 units - and indicates that the detailed mix of affordable house types & tenures will be confirmed at the reserved matters stage.

The proposed provision of affordable housing is supported by the Council's Housing Strategy and Enabling Manager. Therefore the proposal accords with Policy DEV17 of the ADLP, as updated by the Interim Affordable Housing Policy and Policy AH SP2 of the modified Local Plan.

SUPPORTING INFRASTRUCTURE:

Local residents have stated that there is a lack of local infrastructure within the area.

Policy INF SP1 of the modified eLP includes the following statements:

"The Local Planning Authority will support development proposals which provide or contribute towards the infrastructure and services needed to support development to meet the needs of occupiers and users of the development and the existing community"

And

"Off-site measures will require planning obligations or financial contributions, to secure the necessary provision. Where a contribution towards other, district wide, infrastructure improvements or provision is needed and viable this will be achieved through planning obligations (where they meet the statutory test for planning obligations)"

WSSC have requested financial contributions in respect of primary education, secondary education, 6th form education, libraries and fire & rescue. The level of these contributions will be based on a formula to allow the contribution amounts to be based on the housing mix at the reserved matters stage. The contributions will be spent on additional Equipment at Aldingbourne Primary School, Westergate, additional Equipment at Ormiston Six Villages Academy, additional Equipment at St Phillip Howard

Catholic School 6th Form, a Proposed Tier 7 Library within a Community Space for Bersted and the supply & installation of additional fire safety equipment/smoke alarms to vulnerable person's homes in West Sussex Fire Rescue Services Southern Area serving Bersted.

Having regard to the recent Burndell Road, Yapton Call in appeal decision (ref APP/C3810/V/16/3158261), it is not considered that the requested fire safety contribution is compliant with the CIL Regulations. However, the S.106 has already been signed and completed with this contribution included. Members should note however that this recommendation is not supported by the inclusion of this fire safety contribution within the agreed legal agreement.

An off-site play contribution is also required in respect of improvements to the Berghestede Play area on the Trees Estate in North Bersted. This contribution is based on a sum per net new dwelling and will therefore be £32,000.

Sussex Police were consulted on the application and did indicate in June 2017 that a request for funding might be forthcoming but no communication has since been received. It was not considered appropriate to delay the application due to this non-response so the Section 106 was drawn up without any Police contribution.

A Section 106 agreement has been completed, dated and sealed (10/11/17).

The NHS were originally consulted on the application in May 2017 and eventually responded in late November just after the completion of the S.106 Agreement with a request for a contribution of £24,308 to "The Croft Practice - treatment rooms project" for the infrastructure needs of providing "Treatment Rooms" either at the practice site or the LCN main site. This contribution is subject to a deed of variation to the S.106 Agreement as completed on the 10th November.

CONCLUSION:

The application site is outside the defined built-up area boundaries of both Westergate and Bognor Regis is therefore contrary to policies GEN2 & GEN3 of the ADLP and policy ES7 of the BNDP which intends to protect the countryside from non-related development. As set out above, these policies are out-of-date and carry limited weight. Very much on balance, the proposals are considered to be in a sustainable development. It is therefore considered that the principle of development on this site is acceptable.

The development will make a contribution towards market housing & affordable housing in the local area, provide new pedestrian improvements and contributions towards local infrastructure.

Some policies of the Framework are cast in terms which indicate that in certain circumstances planning permission should be restricted. These, in this case, relate principally to landscape, flooding, access/highway safety and the natural environment. Having regard to the tests set out in the NPPF in relation to these issues, and in the context of the content of this report, it is considered that the circumstances are such that none of these issues amount to a reason for withholding planning permission either because the matter can be controlled by suitable conditions, content of the Section 106 agreement or because the public benefit outweighs the harm in respect of any such issues.

It is recommended that the application is approved subject to the following conditions and the Section 106 Agreement as dated 10 November 2017 but as amended by the deed of variation relating to the NHS contribution.

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 recommendation is subject to a signed/complete s.106 legal agreement which concerns the following provisions:

AFFORDABLE HOUSING

6 units with the final mix to be determined at the reserved matters stage - to be provided not later than 50% occupation of the development.

PRIMARY EDUCATION

Formula for calculation at the reserved matters stage to be spent on Additional Equipment @ Aldingbourne Primary School, Westergate. On commencement of development.

SECONDARY EDUCATION

Formula for calculation at the reserved matters stage to be spent on Additional Equipment @ Ormiston Six Villages Academy, Westergate. On commencement of development.

6TH FORM EDUCATION

Formula for calculation at the reserved matters stage to be spent on additional Equipment @ St Phillip Howard, Catholic School 6th Form, Barnham. On commencement of development.

LIBRARIES

Formula for calculation at the reserved matters stage to be spent on a Proposed Tier 7 Library within a

Community Space for Bersted. On commencement of development.

FIRE & RESCUE

Formula for calculation at the reserved matters stage to be spent on the supply and installation of additional fire safety equipment/smoke alarms to vulnerable person's homes in West Sussex Fire Rescue Services Southern Area serving Bersted. On commencement of development.

It should be noted however that this is not considered to be compliant with the CIL Regulations and any decision on this application will not be supported by its inclusion within the signed S.106 agreement.

OFF SITE LOCAL PLAY

A contribution of £20,000 (index linked - £32,000 at current prices) to be spent on the Berghestede Play area - The Trees Estate, North Bersted, for improvements/additions to children's play equipment. On commencement of development.

NHS

A contribution of £24,308 to "The Croft Practice - treatment rooms project" for the infrastructure needs of providing "Treatment Rooms" either at the practice site or the LCN main site. On commencement of development.

OTHER

It should be noted that the s.106 contains a viability review mechanism which allows for the contributions to be varied depending the outcome of a future viability exercise.

CIL POOLING CHECK

Members should note that there are no other existing signed S.106's contributing to (a) additional Equipment for Aldingbourne Primary School, Ormiston Six Villages Academy or St Phillip Howard Catholic School 6th Form, (b) a Tier 7 Library within a Community Space for Bersted or (c) the supply & installation of additional fire safety equipment/smoke alarms to vulnerable person's homes in West Sussex Fire Rescue Services Southern Area serving Bersted. There is only one contribution so far (ref AL/61/13) towards the Croft Practice Surgery.

Therefore, all of these provisions comply with the CIL Regulations in respect of pooling as there are no more than 5 contributions aligned to a specific project.

There are two existing signed S.106's which allocate contributions to public open space and child play area equipment at Berghestede Play Area. However, the addition of this new permission would not result in more than 5 contributions and so this is also in accordance with the CIL regulations.

RECOMMENDATION

- 1 The permission hereby granted is an outline permission under s92 of the Town and Country Planning Act 1990 (as amended) and an application for the approval of the Local Planning Authority to the following matters must be made not later than the expiration of 2 years beginning with the date of this permission:-

(a) Layout;

- (b) Scale;
- (c) Appearance;
- (d) Landscaping.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be begun either before the expiration of 3 years from the date of this permission, or before expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

- 3 The development hereby approved shall be carried out in accordance with the following approved plans :

Dwg. 334/P/01 Rev A "Site Location Plan";
 Dwg. 334/F/03 Rev C "Proposed Site Plan",
 Dwg. 160818-07 Rev A "Site Visibility";
 Dwg. 160818-06 Rev A "Proposed Footway Arrangement"; and
 Dwg. 160818-TK02 Rev A "Swept Path Analysis."

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 All demolition & construction works are to be carried out in strict accordance with:- Arboricultural Method Statement Report Ref: Arbortrack Systems Ltd. jwmb/rpt5/thecottage/PI and Tree Protection Plan ref: Rev D Sept 2017.

Reason: To comply with BS5837 and the National Planning Policy Framework 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.

- 5 The development must be carried out in accordance with the recommendations and mitigation measures as set out within the 'Mitigation', 'Licence Application', 'Badgers', 'Reptiles', 'Other Species' and 'General Site Enhancements' sections (pages 33 to 41) of the Preliminary Ecological Appraisal (September 2016) - as amended/updated by the relevant sections of the Bat Activity Surveys Report (June 2017). The enhancements and mitigation measures shall be retained and thereafter maintained as fit for purpose.

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

- 6 Prior to any demolition or construction works or changes in site levels taking place or the introduction of machinery and plant to the site the following issues must be resolved to the complete satisfaction of Arun District Council :-

A pre-commencement site meeting is to take place between the Arun DC Tree Officer and the Arboricultural Consultant representing the site owners - at this meeting all protective fencing will be inspected along with ground protection measures - they will be assessed to verify that they are 'Fit for Purpose' as required under British Standard 5837:2012 and have been erected and positioned exactly as shown on the Tree Protection Plan - Arbortrack Systems Ltd. - Appendix A - Rev D Sept 2017.

A schedule of Site Monitoring/Supervision visits and Reporting Procedures prepared by an Arboricultural Expert will be required and their extent will be agreed on at the site meeting to the satisfaction of the Arun DC Tree Officer.

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

Reason: To comply with BS5837 and the National Planning Policy Framework 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 as it is necessary to protect the trees prior to any operations starting on site.

- 7 No development excluding the access shall commence until the vehicular access serving the proposed site has been constructed in accordance with the approved planning drawings 334/F/03 Rev C "Proposed Site Plan", 160818-07 Rev A "Site Visibility" & 160818-TK02 Rev A "Swept Path Analysis".

Reason: In the interests of road safety and in accordance with Policy GEN7 of the Arun District Local Plan and the National Planning Policy Framework. This is required to be a pre-commencement condition because the access should be in place before the commencement of works to the site and because road safety is at the heart of a planning permission.

- 8 No development shall commence until such time as plans and details incorporating the recommendations given in the Stage 1 Road Safety Audit and accepted in the Designers Response have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason: In the interests of road safety and in accordance with Arun District Local Plan policy GEN7 and the National Planning Policy Framework. It is considered necessary for this to be a pre-commencement condition because road safety is at the heart of a planning permission.

- 9 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.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan. It is considered necessary for this to be a pre-commencement condition because it would not be possible to implement a surface drainage scheme once development had commenced.

- 10 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. It is considered necessary for this to be a pre-commencement condition because it would not be possible to implement a surface drainage scheme once development had commenced.

- 11 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 (a) details of financial management of the site including arrangements made in the event that the management company (or any subsequent management company) is no longer able to fulfil its duties; and (b) arrangements for the replacement of major components at the end of the manufacturers recommended design life.

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: C753 Chapter 32. It is considered necessary for this to be a pre-commencement condition because surface water drainage goes to the heart of the planning permission.

- 12 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. It is considered necessary for this to be a pre-commencement condition because surface water drainage goes to the heart of the planning permission.

- 13 Development shall not commence until a drainage strategy detailing the proposed means of foul disposal and a implementation timetable, has been submitted to and approved in writing by, the local planning authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable.

Reason: To ensure that the proposed development has a satisfactory means of disposing of foul sewerage in accordance with policy GEN9 of the Arun District Council Local Plan. It is considered necessary for this to be a pre-commencement condition because it would not be possible to implement a foul drainage scheme once development had been completed.

- 14 Upon completed construction of the SuDS System but prior to occupation of any part of the scheme, the owner or management company shall either provide the local planning authority with an updated copy of the management manual incorporating any changes as a result of construction/implementation or confirm in writing that no changes are required to the manual.

No further changes shall be made to the approved SuDS Maintenance & Management Plan/Regime including the management company responsible or the financial arrangements

between the owners of the dwellings & the management company other than with the written consent of the Local Planning Authority.

The owner or management company shall thereafter strictly adhere to and implement the recommendations contained within the manual to ensure that the system is maintained in perpetuity.

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: C753 Chapter 32.

- 15 No part of the development shall be first occupied until such time as the pedestrian access footways/crossing points on Shripney Road serving the development have been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority.

Reason: In the interests of road safety and in accordance with Policy GEN7 of the Arun District Local Plan and the National Planning Policy Framework.

- 16 No part of the development shall be first occupied until visibility splays of 2.4 metres by 120 metres to the south and 2.4 metres by 71 metres to the north have been provided at the proposed site vehicular access onto Shripney Road, in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level.

Reason: In the interests of road safety and in accordance with Policy GEN7 of the Arun District Local Plan and the National Planning Policy Framework.

- 17 Prior to occupation of any of the dwellings, an electric vehicle charge point shall be installed to serve each dwelling and this shall then be permanently retained and maintained in working condition.

Reason: New petrol and diesel cars/vans will not be sold beyond 2040, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with Policy GEN7 of the Arun District Local Plan, policy QE DM3 (c) of the Arun Local Plan 2011-2031 Publication Version showing Modifications and the National Planning Policy Framework.

- 18 Immediately following implementation of the approved SuDS scheme and prior to occupation of any part of the development, the developer/applicant shall provide the local planning authority with as-built drawings of the implemented scheme together with a completion report prepared by an independent engineer that confirms that the scheme was built in accordance with the approved drawing/s and is fit for purpose. There shall be no deviation to the approved scheme other than with the written consent of the Local Planning Authority. The scheme shall thereafter be maintained 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.

- 19 Should any sewer be found during construction works then all development activities shall cease and not recommence until full details of the proposed measures to be undertaken to protect the existing public sewer have been submitted and approved in writing by the local planning authority (in conjunction with Southern Water) and then implemented in accordance with the agreed details.

Reason: To ensure that the proposed development does not result in any damage to the

existing foul sewer in accordance with policy GEN9 of the Arun District Council Local Plan.

- 20 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 GEN7, GEN29 & GEN33 of the Arun District Local Plan.

- 21 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 policies GEN7 and GEN29 of the Arun District Local Plan.

- 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: This decision has been granted in conjunction with a Section 106 legal agreement and a separate unilateral undertaking relating to:

AFFORDABLE HOUSING

6 units with the final mix to be determined at the reserved matters stage - to be provided not later than 50% occupation of the development.

PRIMARY EDUCATION

Formula for calculation at the reserved matters stage to be spent on Additional Equipment @ Aldingbourne Primary School, Westergate. On commencement of development.

SECONDARY EDUCATION

Formula for calculation at the reserved matters stage to be spent on Additional Equipment @ Ormiston Six Villages Academy, Westergate. On commencement of development.

6TH FORM EDUCATION

Formula for calculation at the reserved matters stage to be spent on additional Equipment @ St Phillip Howard, Catholic School 6th Form, Barnham. On commencement of development.

LIBRARIES

Formula for calculation at the reserved matters stage to be spent on a Proposed Tier 7 Library within a Community Space for Bersted. On commencement of development.

FIRE & RESCUE

Formula for calculation at the reserved matters stage to be spent on the supply and installation of additional fire safety equipment/smoke alarms to vulnerable person's homes in West Sussex Fire Rescue Services Southern Area serving Bersted. On commencement of development.

It should be noted however that this is not considered to be compliant with the CIL Regulations and therefore this decision has not been made on the basis of support from the inclusion of this contribution within the signed S.106 agreement.

NHS

A contribution of £24,308 to "The Croft Practice - treatment rooms project" for the infrastructure needs of providing "Treatment Rooms" either at the practice site or the LCN main site. On commencement of development.

OFF-SITE LOCAL PLAY

A contribution of £20,000 (index linked - £32,000 at current prices) to be spent on the Berghestede Play area - The Trees Estate, North Bersted, for improvements/additions to children's play equipment. On commencement of development.

- 24 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.

- 25 INFORMATIVE: The emerging landscape design aims should be:

- To design and implement a scheme that reflects and incorporates elements of its surroundings and enhances the atmosphere of local distinctiveness;
- To create a visually pleasing and interesting landscape for owners, employees and visitors to the development;
- To enhance the landscape quality of the site when viewed from the surrounding area;

- To provide a planting scheme that includes native species to blend with the surrounding location, enhance biodiversity and create enhanced wildlife corridor opportunity; and
- To provide a sense of flow and cohesion between the different elements of the landscape, buildings, open areas and surrounding environment.

The provision of landscaping for the development must be conditioned with any permission. Some indicative landscaping particularly trees detailed have been illustrated with the masterplan. Forming part of any decision consideration or as a minimum reserved matters a full landscape scheme should be submitted for approval, detailing species choice, position, densities and size at time of planting.

This should be plotted in plan and list form and in relation to the trees and vegetation to be retained in the locale, so that a clear picture of the proposals can be seen. These details are required to assure the adjacent land setting is maintained, the setting is uncompromised and the proposals are appropriate to its setting. The landscape scheme should maximise the biodiversity of the site with the inclusion of native species and the retention of a variety of habitats. The long term management of the developing landscape would need to be considered.

26 INFORMATIVE: Please note the comments of Sussex Police:

The existing public footpath provides access to the rear of 6 houses. As this path is unavoidable, it should be as wide as possible, adequately lit, as straight as possible, devoid of potential hiding places and overlooked by surrounding dwellings.

The flatted building should be provided with lockable gates and fencing to the sides to remove easy access to the vulnerable ground floor windows and the cycle store. Consideration could be given to the relocation of the cycle store from its present location to the front of the block adjacent to the refuse store. This would enable the store to have natural surveillance over it as well as observation from active rooms from within the flats. It will make accessing the cycles easier for the residents by being at the front of the block.

27 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.

28 INFORMATIVE: Existing surface water flow paths across the site must be maintained. A wholesale site level rise via the spreading of excavated material should be avoided and therefore any excavated material kept on site should be located in areas designed and designated for that purpose. This is in accordance with the National Planning Policy Framework paragraph 103.

29 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) or building(s) for which work is planned, you should take further advice and apply for a licence from Natural England before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.