

REPORT UPDATE

Application No: BE/69/19/OUT

Reason for the Update / Changes

Reason for Update/Changes:

Members should note that the applicant has agreed to a change in the description so that it now states "up to 31 dwellings". This will provide the Local Planning Authority with greater flexibility in the future when a reserved matters application is submitted.

Members should also note that the application red edge has been slightly amended to remove two small areas of land along the northern boundary which were in the ownership of the Spirit Pub Company Ltd (the owners of the Robin Hood Pub). Neither the Premier Inn Hotel nor the Robin Hood Pub have made any comments on the application.

Conditions 01 and 08 have been amended to reflect the updated red edge plans and Condition 09 has been amended to correct a typo (implemented not implanted).

A new condition (no. 21) has been added to secure the proposed pedestrian footways on Shripney Road. This was not included in WSCC Highways response but did form part of the conditions on the previous application.

The Section 106 Legal Agreement has not yet been signed therefore, the recommendation remains as per the officer report (it is requested that delegated authority is granted for the approval of planning permission, to the Group Head of Planning for a decision to be issued once the legal agreement has been signed).

Officers Comment:

The changes to the conditions are shown on the attached replacement recommendation sheet.

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

Recommendation Report for Outline Consent

REF NO: BE/69/19/OUT

LOCATION: The Cottage
Shripney Road
Bognor Regis
PO22 9PA

PROPOSAL: Outline planning application with all matters reserved except access for up to 31 No. houses and flats with car parking, landscaping and associated infrastructure & access off Shripney Road (A29), 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 site with 31 dwellings.

The existing access to the site would 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 suggests a scheme of:

- 8 x 1 bed flats;
- 11 x 2 bed flats; and
- 12 x 3 bed houses.

The proposed flats will be contained within two buildings and the indicative elevations suggest that these will be three storeys in height. The scheme also suggests car parking at a ratio of 1 space per flat, 2 spaces per house, and 9 visitor spaces (41 total). There will be a 2m wide landscaped buffer to the hotel (north) and to the public footpath (south). A similar 3m wide buffer will be provided to the eastern boundary. Public open space is indicated as being within the western parts of the site. The footpath is outside of the application site area and no works are proposed to it.

The scheme as shown on the indicative drawings would require the felling of 36 trees and the pruning of a further 4. The TPO trees are unaffected except that the two TPO/BE/1/17 Lebanon Cedars will be dead wooded. Landscaping is a reserved matter and the Council would seek replacement tree planting as part of that process.

SITE AREA

0.72 hectares.

RESIDENTIAL DEVELOPMENT DENSITY

43 dwellings per hectare.

TOPOGRAPHY

Predominantly flat.

TREES

There are 72 surveyed trees or groups of trees on or near the site. 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 of Royce Cottage to the south. This TPO was confirmed on the 29th November 2017.

BOUNDARY TREATMENT

Mixed. Part wall, part close boarded fencing to the Hotel. Close boarded fencing to the road. Post & wire fencing on the southern boundary (along the line of the footpath). Hedge or otherwise open to the eastern boundary.

SITE CHARACTERISTICS

The site 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. A footpath runs adjacent to the southern boundary. This 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.

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 an empty parcel of land for which there is outline planning permission for a single dwelling to replace the dwelling lost on this site. To the east, lies open arable fields. On the western side is Shripney Road with houses beyond.

RELEVANT SITE HISTORY

BE/58/19/RES	Application for approval of reserved matters following outline permission BE/63/17/OUT & variation of condition BE/131/18/PL for replacement dwelling at the southern end of site (Phase 1)
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BE/63/17/OUT	Outline planning application with some matters reserved App Cond with S106 (Access only) for 20No. houses & flats, 1No. replacement dwelling (21No. units in total) with car parking, landscaping & associated infrastructure & access off
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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

Planning application BE/63/17/OUT was granted in January 2018 and allows for the development of this site with 20 new homes plus a replacement dwelling on the land to the south of the footpath. It is an extant planning permission which will expire in January 2021. Members should note that this was a decision made by the Development Control Committee which followed a site visit held with the West Sussex County Council Highways (Development Management) Team Manager.

Planning application BE/58/19/RES is a current application.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bersted Parish Council

"Object for the following. The proposed outline application does not comply with the following development plan policies:-

- (1) ES1 The proposed development is out of character with the dwellings in the surrounding area;
- (2) ES7 The development is outside of the Built-up Area Boundary;
- (3) GA1 The application makes no reference to increase or improve the network of footpaths, footways and cycleways through Shripney to better connect it to Bognor Regis or Chichester;
- (4) HDQ2 The proposed development is not connected or visually integrated with the surrounding area;
- (5) HDQ8 The proposed development does not provide 2 spaces per dwelling as required by the Bersted Neighbourhood Development Plan;
- (6) SD SP1 The proposed outline is an overdevelopment of the area and does not improve connections to the road, cycle and pedestrian network in Shripney;
- (7) SD SP1a The proposed development is outside the built-up area boundary;
- (8) C SP1 Shripney is in a rural setting, the development does not enhance this;
- (9) T SP1 The proposed development does not reduce the need to travel by car as public transport serving Shripney is a bus every 3 to 4 hours and the stations at Barnham and Bognor Regis are not within walking distance and to the north there is no footway to reach Barnham Station. The site will add to the traffic movements through Shripney, so will add to congestion. The position of the site is close to a bend which will not add to the safety of pedestrians or cyclists using the proposed crossing between the development and the footway opposite on the A29; and
- (10) T DM1 The Transport document states that Shripney is provided with public transport - bus 66a & c every 2 hours, not Sundays or Bank Holidays based on 2017 timetable. That route now only has 66a and c buses every 3 or 4 hours and there remains no service on Sunday or Bank Holidays. No contribution to enhance the existing footways or cycle paths for Shripney in line with Aruns Green Infrastructure Plan"

Two letters of objection raising the following concerns:

- (1) The access is too close to a bend & the access to the pub & hotel and therefore will be unsafe;
- (2) 50% increase in the proposals therefore more traffic;
- (3) Urbanising effect on the area; and

(4) Why has the number of dwellings been increased.

COMMENTS ON REPRESENTATIONS RECEIVED:

The points raised by the Parish Council will be considered within the conclusions section of the report. The following comments are offered in response to the local resident objections:

- (1) Noted, however, the proposed access was previously considered to be acceptable and has the benefit of an extant planning permission under ref BE/63/17/OUT. Furthermore, County Highways do not raise any objections to this application;
- (2) Noted however, County Highways do not raise any objections to the application;
- (3) The site already benefits from an extant outline planning permission for redevelopment by 20 dwellings; and
- (4) The applicant is not required to give the reasoning behind the increase however, it is likely in response to the need to make an efficient use of land and to boost housing supply numbers within the Arun district.

CONSULTATIONS

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

CONSULTATION RESPONSES RECEIVED:

HIGHWAYS ENGLAND - Raise no objection.

SOUTHERN WATER - State that there is an increased risk of flooding unless any required network reinforcement is provided by Southern Water. Any such network reinforcement will be part funded through the New Infrastructure Charge with the remainder funded through Southern Water's Capital Works programme. Southern Water and the Developer will need to work together in order to review if the delivery of the network reinforcement aligns with the proposed occupation of the development, as it will take time to design and deliver any such reinforcement. Therefore request a foul drainage condition.

NHS COASTAL WEST SUSSEX COMMISSIONING GROUP - Request a contribution of £35,357 for additional health infrastructure capacity arising from the development. This will be spent either on the infrastructure needs of managing the "Treatment Rooms project" at the Croft Surgery (preferred option)

or, in the longer term, on new facilities at a planned integrated community hub site in the district (to be sited on ADC strategic land).

SUSSEX POLICE - Make a number of recommendations to improve the security of the scheme.

WEST SUSSEX HIGHWAYS - State that this new application is for 31 dwellings using the exact same access set up as the previous application. The uplift of 11 dwellings is estimated to generate an extra 2 two-way vehicle trips in the AM peak hour and 6 in the PM peak hour. This level of trips would not raise concern. Therefore, do not consider that the proposal for an extra 11 dwellings would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal. Conditions are required in respect of implementation of the vehicle access, implementation of visibility splays (2.4 metres by 120 metres to the south and 2.4 metres by 71 metres to the north) 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 higher 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. Also note that the area of the proposed development is shown to be at high risk from groundwater flooding based on current mapping. This risk is based on modelled data only and should not be taken as meaning that the site will/will not suffer groundwater flooding.

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 - Request conditions to secure details of any new external lighting, secure electric charge points to serve the future dwellings, control the hours of construction, require a Construction Environmental Management Plan (CEMP), secure the proposed acoustic mitigation measures, and require a contamination survey report (with separate verification report). Also request that consideration must be given to air quality issues. State that the applicant must follow the Air Quality & Emissions Mitigation Guidance for Sussex (2013).

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

ADC DRAINAGE ENGINEER - State that the site is within an area known to have seasonally high ground water levels and that the section of Shripney Road immediately adjacent to this application is also at high risk of surface water flooding. Note that there are watercourses to the west and to the east of the site. A length of culverting will be required to facilitate the new access and this will require separate land drainage consent. Recommend standard surface water/watercourse protection conditions.

ADC HOUSING STRATEGY & ENABLING OFFICER - Raise no objection as the applicant is proposing to deliver 9 affordable rented dwellings on-site to meet the requirements of the Council's Affordable Housing policy.

ADC ARBORICULTURIST - No response received.

COMMENTS ON CONSULTATION RESPONSES:

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

In respect of the Environmental Health request to consider air quality, the "Air quality and emissions mitigation guidance for Sussex authorities" (2013) document requires that a Screening checklist is completed to determine whether mitigation is required. However, this only applies if the site falls within an Air Quality Management Area (AQMA) and there are none of these in the Arun District. It is therefore not necessary to consider this further.

POLICY CONTEXT

Designations applicable to site:

Outside the Built Up Area Boundary;
Flood Zone 1;
Urban land (adjacent to Grade 2 Agricultural Land);
Class A Road;
Special Control of Adverts; and
Tree Preservation Orders (TPO/BE/1/17 & TPO/BE/2/17).

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVSP1	ENV SP1 Natural Environment
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
GISP1	GI SP1 Green Infrastructure and Development
HSP1	HSP1 Housing allocation the housing requirement
HSP2	H SP2 Strategic Site Allocations
HSP2C	H SP2c Inland Arun
HDM1	H DM1 Housing mix
AHSP2	AH SP2 Affordable Housing
HWBSP1	HWB SP1 Health and Wellbeing
INFSP1	INF SP1 Infrastructure provision and implementation
LANDM1	LAN DM1 Protection of landscape character
OSRDM1	Protection of open space,outdoor sport,comm& rec facilities
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QEDM3	QE DM3 Air Pollution

QEDM4	QE DM4 Contaminated Land
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP1A	SD SP1a Strategic Approach
SDSP2	SD SP2 Built-up Area Boundary
SODM1	SO DM1 Soils
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WSP1	W SP1 Water
WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management

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:

XXX6	Interim Affordable Housing Policy
SPD1	Open Space & Recreation Standards

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

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

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.

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 the Arun Local Plan (policies C SP1 & SD SP2) and the Bersted Neighbourhood Development Plan (policy ES7) 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 are as follows:

- The Council's housing land supply target includes provision of at least 1,250 homes to be identified through the review of Neighbourhood Plans and through a Non-Strategic Site Allocations Development Plan Document (DPD);
- The result of the Governments 2018 Housing Delivery Test which states Arun have underdelivered on its housing targets and recommends an Action Plan be published to set out how delivery rates will be improved;
- The Council's Authority Monitoring Report (AMR) as considered at the Planning Policy Local Plan Sub-Committee on 18th June showed that the Council can no longer demonstrate a 5 year Housing Land Supply (HLS) as required. The AMR shows there is currently a 4.7 year supply.
- The National Planning Policy Framework (NPPF) and associated guidance particularly in respect of Sustainable Development and the 'presumption' for sustainable development; and
- The site planning history namely that the site benefits from an extant planning permission for 20 houses.

CONCLUSIONS

PROPOSAL & PRINCIPLE:

This is an outline application with means of access details only. Although an indicative site layout plan has been submitted which demonstrates that 31 dwellings can be provided together with internal site roads, footpaths, public open space, parking and landscaping; layout is not a matter for determination at this time. Neither are details of scale, appearance or landscaping.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications should be determined in accordance with the plan unless material considerations indicate otherwise. The development plan for the Arun District currently comprises the Arun Local Plan 2011-2031, the Bersted Neighbourhood Development Plan (November 2014) and the West Sussex Waste and Minerals Plans.

Members should note that all development policies that relate to the supply of housing in the Local Plan (policies C SP1, SD SP2) have reduced weight because we currently can't demonstrate an adequate supply of housing land. In addition, policies in the Bersted Neighbourhood Development Plan that relate to the supply of housing (policy ES7) has greater reduced weight because they relate to out of date housing needs as the policies were based on the 2003 Local Plan.

The Arun Local Plan:

The key policy considerations in the determination of this application are considered to be H SP1, SD SP1, SD SP2 and C SP1 of the Arun Local Plan (ALP) 2011 - 2031.

Policy H SP1 "The Housing Requirement" sets out an overall provision of 20,000 new homes through the Local Plan phased over the plan period to 2031. It includes a reference to additional non-strategic allocations being made across the District through reviews of Neighbourhood Plans and through the publication of a "Non-Strategic Site Allocations Development Plan Document (DPD).

Policy SD SP1 states the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF). It will work to secure development that will contribute to the social, economic and environmental conditions south of the National Park through to the coast and throughout its settlements (both coastal and inland). The site is considered to be in a sustainable location and this will be detailed elsewhere in this report.

Policy SD SP2 "Built up Area Boundary" states that development should be focused within the BUAB and will be permitted, subject to consideration against other policies of this Local Plan. Policy C SP1 "Countryside" states that residential development in the countryside outside 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 this site lies outside the nearest BUAB, it is categorised as being within the countryside and the scheme would therefore conflict with ALP policies SD SP2 and C SP1.

The Bersted Neighbourhood Development Plan (BNDP):

The Bersted Neighbourhood Plan (BNDP) was made on the basis of the saved policies in the former 2003 Arun Local Plan and the draft policies in the 2014 publication version of the then emerging Arun Local Plan.

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). 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. The proposal therefore conflicts with BNDP policy ES7.

Other Material Considerations:

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

(1) The Councils Housing Land Supply as set out in the ALP

Members should note that the housing land supply target set out within the ALP includes a provision of at least 1,250 homes to be identified through both the review of Neighbourhood Plans and through a Non-Strategic Site Allocations Development Plan Document (DPD). The DPD is not yet out for consultation and whilst there remains potential for the site to also be promoted through this document, only limited weight can be attributed to this consideration at the current time.

(2) The Councils Current Housing Land Supply Data

In February 2019, the Government published results of its Housing Delivery Test. This shows that Arun have underdelivered on its housing targets (achieving only 91%). The Test recommends that all Councils achieving less than 95% prepare an Action Plan to set out how delivery rates will be improved.

The Council's Annual Monitoring Report (AMR) was considered at the Planning Policy Local Plan Sub-Committee on the 18th June. The AMR shows that the Council can no longer demonstrate a 5-year Housing Land Supply (HLS) as is required by the NPPF. Indeed, the AMR shows there is currently only a 4.7 year supply. The reasons for the lower projected delivery include; recent planning refusals/delays on some Strategic Allocations (particularly the Pagham sites); poor quality schemes delaying approvals; developers unable to meet stated and committed timescales; and developer/market factors outside of local authority control.

It is considered that the release of further land for housing will help to maintain delivery rates. This may have to include sites outside the built up area boundary and it would be preferential if such sites were located close to the edge of the BUAB and in sustainable locations which minimise the need to use the private car.

(3) The NPPF & the Presumption in Favour of Sustainable Development;

The National Planning Policy Framework (NPPF) published in July 2018 is a material consideration in determining planning applications. As the Council cannot currently demonstrate a 5-year HLS, paragraph 11 (d) of the NPPF and the application of the 'presumption' for sustainable development is triggered.

This means that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (such as where the local planning authority cannot demonstrate a five year supply of deliverable housing sites), planning permission should be granted unless (i) the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or (ii) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

There is no question that (i) does not apply to this determination as the site does not lie in a protected landscape. In respect of (ii), the remainder of this report will show that there are no adverse impacts associated with the proposal. Therefore the presumption in favour of sustainable development would apply.

Paragraph 8 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. The

following is an analysis of the sustainable nature of the site and proposal:

Environment

Members should note that the site was previously accepted (with the approval of BE/63/17/OUT) as being within a sustainable location. This was on the basis that there is a public house and bus stops immediately adjacent to the site and that there are schools, potential places of work accessible by bus. It was also considered possible to walk to the Lidl on Shripney Road as well as the other nearby retail stores. In addition, the application proposes to provide a crossing point across the A29 between the site and the existing footpath on the western side which then 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 proposed development will have an impact on the ecology of the site and will result in the loss of some existing trees. However, the Councils ecologist does not raise any objection and considered that mitigation measures can be used to offset the harm. The future reserved matters scheme will be subject to a landscaping scheme and at this time, the developer will be asked to replace those trees to be lost at a ratio of 2 to 1.

Social

The proposal will support the local community by providing up to 31 new homes including 9 affordable dwellings to help meet future needs. The additional custom may lead to an increase of customers to the local pub.

Economic

The proposal is likely to result in economic benefits to the local area in the form of (a) an increase in Council Tax receipts; (b) potential 'New Homes Bonus' payments from the Government; (c) financial contributions towards local libraries, education establishments, healthcare facilities and play areas; (d) the creation of new or maintenance of existing construction jobs; and (e) additional spending by new residents on local goods & services including at the public house.

Assessment of Sustainable Development

It is considered that the proposal has clear social and economic benefits. Furthermore, the costs to the environment are not considered to be significant and there is mitigation in place to offset the harm. 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.

(4) The Site Planning History

It is material that the site already benefits from an outline planning permission for 20 dwellings and that this permission could still be implemented. Thus, the principle of residential development on the site has been established and it is only appropriate to consider the impact of a further 11 dwellings.

Conclusion on Matters of Principle:

The principle of development on this site is clearly contrary to the policies within the development plan. However, these policies have reduced weight due to the Council not being able to demonstrate an

adequate supply of housing land. Furthermore, the proposal represents sustainable development and the NPPF presumption in favour of sustainable development is engaged. The principle of residential development on this site has also already been established by the previous outline permission.

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:

8 x 1 bed flats approx. 50 square metres each;
5 x 1 bed flats approx. 61 square metres each;
6 x 2 bed flats approx. 70 square metres each;
11 x 3 bed houses approx. 93 square metres each; and
1 x 3 bed house approx. 102 square metres each.

The 9 affordable dwellings will be contained within one of the flatted buildings and comprise a mix of 1 bed (3) and 2 bed (6) flats.

It is considered that the proposed mix is varied but as layout is not a matter to be considered at this time, a condition will be imposed to remind the developer to consider policy HDQ4 at the reserved matters stage.

CHARACTER AND DESIGN:

Policy D DM1 of the Arun Local Plan requires that the Council seek to make the best possible use of land by reflecting or improving upon the character of the site and the surrounding area. It requires the Council to consider scale, massing, aspect, siting, layout, density, building materials, landscaping, and design features. It is necessary that development demonstrates a high standard of architectural principles, use of building materials and hard and soft landscaping to reflect the local area. In terms of density, D DM1 requires that housing makes efficient use of land while providing a mix of dwelling types and maintaining character and local distinctiveness. Higher densities will be more appropriate in the most accessible locations. The policy requires the scale of development keep within the general confines of the overall character of a locality.

ALP policy D SP1 "Design" requires development to make an efficient use of land and also reflect local character. BNDP policies ES1, ES5, HDQ2 and HDQ5 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 ES5 requires that building design contribute positively to the historic character of Bersted. Policy HDQ2 states that "Proposals for new housing must ensure that the new homes are well connected to the surrounding area and visually integrated with their surroundings." Furthermore, HDQ5 requires that new housing is of a high quality and is designed to reflect the local character.

Paragraph 127 of the NPPF states that "Planning policies and decisions should ensure that developments: (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)." Para. 122 states that planning decisions should support development that makes efficient use of land but the desirability of maintaining an area's prevailing character and setting should be taken into account.

The application is outline and does not seek the approval of layout, external appearance, scale or landscaping. Although an indicative layout and indicative elevations are provided, it is not possible to determine the application on the basis of these. However, as the increase in the number of dwellings, is as indicated by the drawings, to be achieved through the use of three storey flatted buildings, it is appropriate to consider whether this is acceptable in terms of character. It should be noted though that a different layout could be provided which does not require three storey building heights.

The first thing to note is that both ALP policy D DM1 and the NPPF express a desire to maximise site densities, although this should not be at the expense of character. The previous outline application did include a flatted building but there were no indicative elevations provided so it was not clear what the height of this building would be. The surrounding built form is mixed in height with either bungalows or two storey houses. The hotel buildings to the north are a maximum of two storeys. There are some two and a half storey buildings (i.e. with a 2nd floor in the roof) to the south near to the junction with Shripney Lane, but it is clear that there are no other instances of three storey buildings in the immediate area.

As per the indicative layout, the flatted buildings are shown to be set back from the road frontage with existing tree cover providing screening from the road. It is therefore considered that this could be an acceptable arrangement. The southern end of the largest of the two flatted buildings would be immediately adjacent to the footpath and this could be a cause for concern, however, this could be amended at the reserved matters stage to set step the building in from the footpath or to swap this flatted building with two storey houses on a different part of the site.

In terms of the surrounding landscape, it is considered that the hedgerow boundaries, the existing trees, the raised topography of the site and the local landscape near the site means that the surrounding landscape has the capacity to accommodate the proposal. It would also be possible to improve the existing hedged boundaries with new tree/shrub planting to further mitigate any visual impacts

It is therefore considered that the proposed residential development of this site can be achieved without adversely affecting the character of the local townscape or the wider landscape (particularly with regard to views from the open countryside to the east). The proposal is therefore in accordance with the policies referred to above.

HIGHWAY SAFETY AND PARKING:

ALP policy T SP1 seeks to ensure development: provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport. In respect of highway safety, it states: "The Council will support transport and development which: explains how the development has been designed to: (i) accommodate the efficient delivery of goods and supplies; (ii) give priority to pedestrian and cycle movements and have access to high quality public transport facilities; (iii) create safe and secure layouts for traffic, cyclists and pedestrians whilst avoiding street clutter."

In respect of parking, T SP1 states: "The Council will support transport and development which: Incorporates appropriate levels of parking in line with West Sussex County Council guidance on parking provision and the forthcoming Arun Design Guide taking into consideration the impact of development upon on-street parking". In addition, policy T DM1 requires that new development be located within easy access of established non-car transport modes/routes, contribute to the improvement of such routes & facilities and contribute towards the provision of a joined up cycle network and Public Rights of Way network. BNDP policy HDQ8 requires a minimum of two spaces per dwelling.

Para 108 of the NPPF states: "In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: (b) safe and suitable access to the site

can be achieved for all users". Regard should be had to para 109 which states: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

The original application was subject to an independent Road Safety Audit (RSA) and a copy of that has been provided with this application alongside an updated Transport Statement. One of the outcomes of the RSA was for a new crossing point to be provided on the A29 to the south of the site access and also new footway along the site frontage to provide access to this crossing and to the Robin Hood site. These improvements will be secured by planning condition.

The advice of WSCC Highways is summarised above and it is clear that they do not consider that the increase in the number of dwellings will result in a significant increase in vehicle movements and that there will not be a severe impact on highway safety. They had previously agreed the closure of the existing access, the position of the new access and the visibility splay requirements.

It is acknowledged that the proposed car parking provision would not comply with BNDP policy HDQ8 in that the 1 bed flats will only have 1 space each, however, the provision is in accordance with the West Sussex Parking Demand Calculator. Furthermore, as layout is a reserved matter, the parking provision can be increased on a reserved matters application in order to better achieve compliance with the BNDP policy.

It is considered that the access arrangements of the proposal are in accordance with the relevant development plan policies and with the NPPF in respect of highway safety.

TREES:

Arun Local Plan policy ENV DM4 states that "Development will be permitted where it can be demonstrated that trees protected by a Tree Preservation Order(s), (TPO) identified as Ancient Woodland, in a Conservation Area or contributing to local amenity, will not be damaged or destroyed now and as they reach maturity".

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."

The Councils Tree Officer has not responded to the application. However, as layout is a reserved matter, and in approving this application, the Council would not be sanctioning and damage to trees within the site, it is not considered necessary for this advice to be received. It should also be noted that the position of the access was agreed with the Tree Officer on the original application and that a number of trees were at that time, requested to be protected. None of these protected trees are shown to be at direct risk from the indicative site layout.

On this basis, it is considered that the proposed development complies with the relevant policies but that a more thorough analysis will be required at the reserved matters stage.

BIODIVERSITY:

ALP policy ENV DM5 states: "Development schemes shall, in the first instance, seek to achieve a net gain in biodiversity and protect existing habitats on site. They shall also however incorporate elements of

biodiversity including green walls, roofs, bat and bird boxes as well as landscape features minimising adverse impacts on existing habitats (whether designated or not)." There are no policies in the BNDP relevant to ecology. Para 175 of the NPPF states: "If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;"

The application is accompanied by a Preliminary Ecological Appraisal and by a Bat Activity Survey report. These documents have been appraised by the Councils ecologist who raises no objection 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 demolish the existing on-site buildings.

It is noted that the existing hedgerows will be retained and that it is indicated that the southern, northern and eastern boundaries will be strengthened with additional planting. This will be considered at the reserved matters application stage.

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

FLOODING AND DRAINAGE:

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.

Policy W DM3 (Sustainable Urban Drainage Systems) states: "To increase the levels of water capture and storage and improve water quality, all development must identify opportunities to incorporate a range of Sustainable Urban Drainage Systems (SUDS), appropriate to the size of development, at an early stage of the design process."

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 and the culverting of the ditch to create the access. WSCC comment specifically on the flooding situation and note that the site itself is not subject to flooding but that the road outside the site is at high risk from surface water flooding.

Matters of drainage design will be for consideration at the reserved matters stage. In respect of the high surface water flooding risk, it is not considered that this could be raised as an objection as the site itself lies in a safe area and as such there would be no threat from flooding to property or life.

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

FOUL DRAINAGE:

ALP policy W DM1 (2) states: "... all major developments must demonstrate, where it will materially increase foul and/or surface water discharges, adequate drainage capacity exists or can be provided as part of the development. Where adequate capacity does not exist, there will be a requirement that facilities are adequately upgraded prior to the completion and occupation of development. In sewered areas, there will be a general presumption against the use of non mains foul water drainage."

Southern Water have commented on the application. They consider that there is currently inadequate local network infrastructure in place to serve the development. Southern Water will be providing the

required network reinforcement but request that the occupation of the new dwellings be phased so as to align with the delivery of this new infrastructure. This will be achieved through the a scheme to be submitted in order to discharge a condition. Subject to the satisfactory resolution of this condition in the future, the proposal would be considered to comply with the relevant development plan policies.

RESIDENTIAL AMENITY:

Local Plan policy D DM1 requires the Council have regard to the impact of new development on users and occupiers of nearby property & land for example by avoiding significant loss of sunlight, privacy, outlook and unacceptable noise & disturbance." Further, policy QE SP1 states the Council will ensure that development does not have a significantly negative impact upon residential amenity. None of the BNDP policies refer to residential amenity issues.

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 or flats 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).

Subject to a more detailed consideration of privacy issues at a reserved matters stage, it is not considered that there would be conflict with ALP policies D DM1 or QE SP1.

AFFORDABLE HOUSING:

For all developments over 11 residential units, the Council requires minimum provision of 30% affordable housing on site, as per Policy AH SP2 of the Arun Local Plan and the Interim Affordable Housing Policy (2010).

The application proposes that 9 of the proposed flats will be offered for affordable rent and this has been agreed by the Councils Housing Strategy and Enabling Officer. The affordable housing provision will be secured by a S.106 legal agreement and on this basis, the proposal will accord with policy AH SP2.

PUBLIC OPEN SPACE (POS) & PLAY:

The Councils supplementary planning document (SPD) "Open Space & Recreation Standards" sets out standards for public open space. This guidance is considered to be out of date and so reference is made instead to the current Fields in Trust (FIT) standards (32 square metres per person) as set out in "Guidance for Open Sport and Play: Beyond the Six Acre Standard" (October 2015). A revised Open Space & Recreation Standards SPD is currently out for consultation but until this has been published, regard must be had to the current standards.

The requirements in respect of this proposal are for public open space of at least 2380 sqm and, as per the advice of the Councils Greenspace Officer, a contribution of £31,000 (index linked) towards new play equipment/improvements at the nearby Berghestede play area on the Trees Estate in North Bersted. The proposed indicative layout is stated to provide only 1,148 sqm and is therefore inadequate in respect of the amount of POS. However, as layout is a reserved matter, it would not be appropriate to raise this as an objection at this stage. The future layout could be amended to increase the amount of POS.

The provision on on-site POS, its future management and the contribution towards the off-site local play facilities will all be secured by the S106 Agreement. Therefore, the proposal accords with the relevant development plan policies.

SUPPORTING INFRASTRUCTURE:

Arun Local Plan policy INF SP1 states: "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 "Any on-site provision or financial contribution required to address unacceptable impacts must meet the statutory tests for planning obligations required by Regulation 122 of the Community Infrastructure Regulations 2010."

WSCC 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 calculated using the housing mix at the reserved matters stage. The contributions will be spent on the projects as detailed within the "Section 106 Details" section of this report.

The NHS have requested a contribution of £35,357 (index linked) to be allocated to either the infrastructure needs of managing the "Treatment Rooms project" at the new Croft Surgery (preferred option) or, in the longer term, for new facilities at a planned integrated community hub site in the district.

All of the contributions/provisions are considered to be necessary to make the development acceptable in terms of ALP policy INF SP1, are directly related to the needs of the development (with the contributions required to meet the demands of - and mitigate the impacts of - the development), and are fairly & reasonably related in scale and kind (the level of contributions are/will be calculated in accordance with a formula so as to be proportional to the amount of new development).

These contributions will be secured by a S106 Legal Agreement which is in the process of being completed and as such, there is no conflict with ALP policy INF SP1.

SUMMARY:

This outline application considers the redevelopment of this residential site with 31 new residential dwellings and this represents an increase of 11 on the previously approved outline scheme. Access is to be exactly the same as on the previous application and the same highway improvements are also proposed.

The principle of development on this site is clearly contrary to the policies within the development plan. However, these policies have reduced weight due to the Council not being able to demonstrate an adequate supply of housing land. Furthermore, the proposal represents sustainable development and the NPPF presumption in favour of sustainable development is engaged. The principle of residential development on this site has also already been established by the previous outline permission.

It is considered the material considerations set out within this report are such that in accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004, a decision can be taken other than in accordance with the development plan.

There are not considered to be any other issues as highlighted above which would warrant a refusal on grounds of principle or access. Matters of design will instead be considered at the reserved matters stage.

The recommendation to approve with conditions is subject to a S.106 legal agreement which at the time of writing, has not yet been signed. Therefore, it is requested that delegated authority is granted for the approval of planning permission, to the Group Head of Planning for a decision to be issued once the

legal agreement has been signed. Should the agreement be signed prior to the date of the Committee, then a report update will be produced to update members and amend the recommendation.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

SECTION 106 DETAILS

This recommendation is subject to the following S.106 heads of terms which will form part of a complete s.106 legal agreement.

AFFORDABLE HOUSING

9 x affordable rented properties which will be in the block containing flats 1-9. 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 at Aldingbourne Primary School, Westergate. To be provided prior to first occupation.

SECONDARY EDUCATION

Formula for calculation at the reserved matters stage to be spent on fixtures, fittings and equipment at phase 1 of the new secondary school serving Arun. To be provided prior to first occupation.

6TH FORM EDUCATION

Formula for calculation at the reserved matters stage to be spent on improved digital infrastructure for classrooms at St Phillip Howard Catholic High School Sixth Form. To be provided prior to first occupation.

LIBRARIES

Formula for calculation at the reserved matters stage to be spent on a project to enhance library space with improved digital access at Bognor Regis Library. To be provided prior to first occupation.

FIRE & RESCUE

Formula for calculation at the reserved matters stage to be spent towards the supply and installation of additional fire safety equipment to vulnerable persons homes in West Sussex Fire Rescue Services Southern Area serving Bersted. To be provided prior to first occupation. 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.

HEALTHCARE

A contribution of £35,357 (index linked) for either the infrastructure needs of managing the "Treatment Rooms project" at the new Croft Surgery (preferred option) or, in the longer term, for new facilities at a planned integrated community hub site in the district. To be provided prior to commencement of development.

OFF SITE LOCAL PLAY

A contribution of £31,000 (index linked) to be spent on the Berghestede Play area - The Trees Estate, North Bersted, for improvements and/or additions to children's play equipment. To be provided prior to first occupation.

ON-SITE PUBLIC OPEN SPACE

Either the provision of a management plan or (if the POS is to be adopted) then a payment of £13.51 per m2 for future maintenance (to be provided within 2 months of the completion of the POS).

RECOMMENDATION**APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT**

- 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. 6656-010 Rev E "Site Location Plan";

Dwg. 6656-020 Rev B "Site Plan";
Dwg. 160818-06 Rev A "Proposed Footway Arrangement";
Dwg. 160818-07 Rev B "Site Visibility"; and
Dwg. 160818-08 Rev B "Pedestrian Crossing Visibility".

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

- 4 The development must be carried out in accordance with the recommendations and mitigation measures as set out within section 4.0 (pages 36 to 41) of the Preliminary Ecological Appraisal (September 2018) and section 4.0 (pages 11 to 16) 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 Local Plan policy ENV DM5 and the National Planning Policy Framework.

- 5 The development shall be carried out in accordance with the "Acoustic Planning Report" dated 4th Sept 2018 (ref 26112-RP-AC-001) by Hilson Moran.

Reason: In the interests of protecting the amenity and living conditions of future residents in accordance with policies QE SP1 and QE DM1 of the Arun Local Plan.

- 6 No construction / demolition activities shall take place, other than between 08:00 to 18:00 hours (Monday to Friday) and 08:00 to 13:00 hours (Saturday) with no 'noisy' work on Sunday or Bank Holidays.

Reason: To protect the amenity of local residents in accordance with policies QE SP1 and QE DM1 of the Arun Local Plan.

- 7 At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low carbon energy sources (as described in the glossary at Annex 2 of the National Planning Policy Framework). Details and a timetable of how this is to be achieved for each phase or sub phase of development, including details of physical works on site, shall be submitted to and approved in writing by the Local Planning Authority before any development in that phase or sub phase begins. The development shall be implemented in accordance with the approved details and timetable and retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to secure on site renewable energy in accordance with national planning policy, in accordance with policy ECC SP2 of the Arun Local Plan. This is required to be a pre-commencement condition because it may be necessary for the approved scheme to involve the fabric of the buildings.

- 8 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 6656-010 Rev E "Site Location Plan" and 6656-020 Rev B "Site Plan".

Reason: In the interests of road safety and in accordance with policy T SP1 of the Arun 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.

- 9 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. Thereafter, the approved improvements shall be implemented in accordance with the approved details and permanently retained thereafter.

Reason: In the interests of road safety and in accordance with policy T SP1 of the Arun Local Plan 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.

- 10 Prior to the commencement of construction works, details of a proposed foul drainage system shall be submitted to and approved in writing by the Local Planning Authority (including details of its siting, design and subsequent management / maintenance) and no dwelling shall be occupied until works for the disposal of sewage have been fully implemented in accordance with the approved details.

Reason: To ensure that the proposed development has a satisfactory means of disposing of foul sewerage in accordance with policy W DM1 (2) (b) of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the foul water drainage system prior to commencing any building works.

- 11 Development shall not commence, other than works of site survey and investigation, 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, and the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and winter Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage. No building / No part of the extended building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

- 12 The development shall not proceed until details have been submitted to and approved in writing by the Local Planning Authority for any proposals: to discharge flows to watercourses; or for the culverting, diversion, infilling or obstruction of any watercourse on or adjacent to the site. Any discharge to a watercourse must be at a rate no greater than the pre-development run-off values. No construction is permitted, which will restrict current and future land owners from undertaking their riparian maintenance responsibilities in respect to any watercourse or culvert on or adjacent to the site.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W DM1, W DM2 and W DM3 of the Arun Local Plan and 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 to protect existing watercourses prior to the construction commencing.

- 13 Development shall not commence until full details of the maintenance and management of the surface water drainage system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include details of financial management and arrangements for the replacement of major components at the end of the manufacturer's recommended design life. Upon completed construction of the surface

water drainage system, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W DM1, W DM2 and W DM3 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition to ensure that the future maintenance and funding arrangements for the surface water disposal scheme are agreed before construction commences.

- 14 No development shall commence until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,

- a) An indicative programme for carrying out of the works;
- b) Details of the arrangements for public engagement / consultation both prior to and continued liaison during the construction works;
- c) Measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method of piling for foundations, the careful selection of plant and machinery and use of noise mitigation barrier(s);
- d) Details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination;
- e) The parking of vehicles of site operatives and visitors;
- f) Loading and unloading of plant and materials, including permitted times for deliveries;
- g) Storage of plant and materials used in constructing the development;
- h) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- i) The provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulations Orders);
- j) Measures to control the emission of dust and dirt during construction;
- k) A scheme for recycling / disposing of waste resulting from demolition and construction works i.e. no burning permitted.

Reason: As requested by the Councils Environmental Health officers in the interests of local residents in accordance with policies QE SP1, QE DM1, QE DM2 & QE DM3 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to have the site set-up agreed prior to access by construction staff.

- 15 Prior to each phase of development approved by this planning permission no development shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on (1) to provide information for a detailed assessment

of the risk to all receptors that may be affected, including those off-site.

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved. Where demolition is required 1. and 2. above should be submitted prior to demolition. Parts 3. and 4. can take place post demolition if necessary.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework and with Arun Local Plan policy QE DM4. The site rests upon a Secondary A aquifer (Superficial Deposits) overlying a Principal Aquifer (Undifferentiated Chalk). There is a potential linkage for contaminants to migrate vertically into the Principal Aquifer posing a risk to controlled waters. The Environment Agency state that a full site investigation may not be required and would encourage a thorough preliminary investigation to ascertain the risk of contamination. This is required to be a pre-commencement condition because these details have to be agreed and in place before any work commences.

- 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 T SP1 of the Arun Local Plan and the National Planning Policy Framework.

- 17 Prior to the occupation of any part of the development, full details of any new lighting shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the predictions of both horizontal illuminance across the site & vertical illuminance affecting immediately adjacent receptors, plans of light appliances, the height & position of fitting, illumination levels & light spillage. The lighting scheme shall comply with the recommendations of the Institution of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Obtrusive Light" (GN01:2011) Zone E2 and 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 ENV DM5, QE SP1 and QE DM2 of the Arun Local Plan.

- 18 Prior to each phase of development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority.

The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 170 of the National Planning Policy Framework and with Arun Local Plan policy QE DM4. If required, the verification report will provide confidence that the applicant has accurately considered the conceptual model of the site and any linkages between potential sources and receptors.

- 19 Prior to the occupation of any part of the development, a strategy for the provision of the highest available headline speed of broadband provision to future occupants of the site shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall take into account the timetable for the delivery of 'superfast broadband' (defined as having a headline access speed of 24Mb or more) in the vicinity of the site (to the extent that such information is available). The strategy shall seek to ensure that upon occupation of a dwelling, the provision of the highest available headline speed of broadband service to that dwelling from a site-wide network is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway. Unless evidence is put forward and agreed in writing by the Local Planning Authority that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure, the development of the site will continue in accordance with the approved strategy.

Reason: To safeguard the amenities of future residents in accordance with Arun Local Plan policy TEL SP1.

- 20 Prior to the occupation of the dwellings, a scheme for the provision of facilities to enable the charging of electric vehicles to serve the approved dwellings shall be submitted to the local planning authority for approval and thereafter implemented in accordance with the approved details and the charge points shall thereafter be permanently retained and maintained in good 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 QE DM3 (c) of the Arun Local Plan, the Arun District Council Electric Vehicle Infrastructure Study (November 2017) and the National Planning Policy Framework.

- 21 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 T SP1 of the Arun Local Plan and the National Planning Policy Framework.

- 22 Immediately following implementation of the approved surface water drainage system 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. The scheme shall thereafter be maintained in perpetuity.

Reason : To ensure that the proposed development is satisfactorily drained in accordance with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan.

- 23 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 170 of the National Planning Policy Framework and policy QE DM4 of the Arun Local Plan.

- 24 No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in accordance with paragraph 170 of the National Planning Policy Framework and policies W SP1 & W DM1 of the Arun Local Plan. If any required test boreholes are not decommissioned correctly they can provide preferential pathways for contaminant movement which poses a risk to groundwater quality. Groundwater is particularly sensitive in this location because the proposed development site is located on a Secondary A aquifer (Superficial Deposits) overlying a Principal Aquifer (Undifferentiated Chalk).

- 25 A scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the local planning authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected and inspected. The scheme as approved shall be implemented prior to the occupation of each phase of development.

Reason: To ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution or loss of water supplies in line with paragraph 170 of the National Planning Policy Framework, the Position Statement of 'The Environment Agency's approach to groundwater protection' and policies W SP1 & W DM1 of the Arun Local Plan.

- 26 The reserved matters scheme shall include a housing mix which sets out a range of range of house types and tenures and is specific to Bersted. The scheme shall demonstrate how the development addresses the needs of current and future households in the Bersted area. The scheme shall also provide a proportion of homes to meet Lifetime Home standards (or the equivalent current standard).

Reason: In accordance with policy HDQ4 of the Bested Neighbourhood Plan to ensure that the new houses provide for the future needs of the local area.

- 27 The landscape details referred to in Condition 1 shall include details of all existing trees and hedgerows on the land indicating which are to be retained and which removed. Development shall be carried out in accordance with the approved details. No hedge or tree shall be felled, uprooted or otherwise removed before, during or after the construction period except where removal is indicated on a plan approved by the local planning authority.

Reason: In the interest of amenity and the quality of the environment of the development in accordance with policies D DM1 and ENV DM4 of the Arun Local Plan.

- 28 The landscape details referred to in Condition 1 shall include full details of the position, design, materials, height and type of boundary treatments to be provided. The boundary treatments shall be provided to each dwelling before the dwelling is occupied or in accordance with the approved phasing plan. Development shall be carried out in accordance with the approved details and permanently retained in a useable condition thereafter.

Reason: In the interest of amenity and the quality of the environment of the development in accordance with policy D DM1 of the Arun Local Plan.

- 29 The landscape details referred to in Condition 1 shall include a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscape areas other than privately owned domestic gardens. The landscape management plan shall be implemented in accordance with the approved details.

Reason: In the interest of amenity and the quality of the environment of the development in accordance with policies D DM1 and LAN DM1 of the Arun Local Plan.

- 30 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- 31 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to:

(1) Affordable Housing

9 x affordable rented properties which will be in the block containing flats 1-9. To be provided not later than 50% occupation of the development.

(2) Primary Education

Formula for calculation at the reserved matters stage to be spent on Additional Equipment at Aldingbourne Primary School, Westergate. To be provided prior to first occupation.

(3) Secondary Education

Formula for calculation at the reserved matters stage to be spent on fixtures, fittings and equipment at phase 1 of the new secondary school serving Arun. To be provided prior to first occupation.

(4) 6th Form Education

Formula for calculation at the reserved matters stage to be spent on improved digital infrastructure for classrooms at St Phillip Howard Catholic High School Sixth Form. To be provided prior to first occupation.

(5) Libraries

Formula for calculation at the reserved matters stage to be spent on a project to enhance library space with improved digital access at Bognor Regis Library. To be provided prior to

first occupation.

(6) Fire & Rescue

Formula for calculation at the reserved matters stage to be spent towards the supply and installation of additional fire safety equipment to vulnerable persons homes in West Sussex Fire Rescue Services Southern Area serving Bersted. To be provided prior to first occupation. 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.

(7) Healthcare

A contribution of £35,357 (index linked) for either the infrastructure needs of managing the "Treatment Rooms project" at the new Croft Surgery (preferred option) or, in the longer term, for new facilities at a planned integrated community hub site in the district. To be provided prior to commencement of development.

(8) Off-site Local Play

A contribution of £31,000 (index linked) to be spent on the Berghestede Play area - The Trees Estate, North Bersted, for improvements and/or additions to children's play equipment. To be provided prior to first occupation.

(9) On-site Public Open Space

Either the provision of a management plan or (if the POS is to be adopted) then a payment of £13.51 per m2 for future maintenance (to be provided within 2 months of the completion of the POS).

- 32 INFORMATIVE: 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 BRE365, 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 40% 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 regarding surface water drainage are located here <https://www.arun.gov.uk/surfacewater> on Arun District Councils website. A surface water drainage checklist is available here <https://www.arun.gov.uk/drainagechecklist> on Arun District Councils website, this should be submitted with a Discharge of Conditions Application.
- 33 INFORMATIVE: Under Section 23 of the Land Drainage Act 1991 Land Drainage Consent must be sought from the Lead Local Flood Authority (West Sussex County Council), or its agent (Arun District Council land.drainage@arun.gov.uk), prior to starting any works (temporary or permanent) that affect the flow of water in an ordinary watercourse. Such works may include culverting, channel diversion, discharge of flows, connections, headwalls and the installation of trash screens.

The development layout must take account of any existing watercourses (open or culverted) to ensure that future access for maintenance is not restricted. No development is permitted within 3m of the bank of an ordinary watercourse, or 3m of a culverted ordinary watercourse.

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34 INFORMATIVE In the interests of crime prevention and deterrence, the development should incorporate security measures in accordance with the consultation advice of Sussex Police (dated 05/07/19) as available on the Councils website.

35 INFORMATIVE: The applicant should note that a applicants should be aware that a Natural England Protected Species License will be required for the demolition of the main house, and this will need to be obtained prior to any works taking place.

36 INFORMATIVE: In addition to the requirements of the wildlife enhancement/mitigation condition, the following additional enhancements should be shown on any future reserved matters scheme:

- Any trees removed should be replaced at a ratio of 2:1;
- Filling any gaps in tree lines or hedgerows with native species; and
- Gaps are included at the bottom of the fences to allow movement of small mammals across the site.