

Recommendation Report for Outline Consent

REF NO: BE/81/20/OUT

LOCATION: Chalcroft Nursery
Chalcroft Lane
Bersted
PO21 5TS

PROPOSAL: Outline application with all matters, except for access, reserved for the development of up to 20 residential dwellings, 2,240 sqm of commercial space (Use Class A1, B1(b) B1(c) and B8), landscaping, access, parking and associated infrastructure.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Outline application, with all matters reserved except for access, for the development of up to 20 residential dwellings, 2240sqm of commercial floor space (Use Class A1, B1 (b) and B1 (c), B8), and associated access, parking, landscaping and infrastructure. 698sqm of this proposed commercial floorspace would be replacement/re-provision of existing commercial floorspace on the site. A Land Use and Building Heights Parameters Plan showing the approximate siting and quantum of different land uses and parameters for building heights forms part of the application. An indicative layout has also been provided but layout is a reserved matter.
	The site access proposed under this application is, in due course, anticipated to serve the wider Nursery Fields site (for which there is currently an outline planning application submitted and under consideration for up to 225 dwellings) to the north and west of the application site.
SITE AREA	2.03 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	30 dph (residential land use section of site is 0.65 hectares).
TOPOGRAPHY	Predominantly flat in front/east part of site and some uneven land sloping upward toward rear/west part of the site.
TREES	Significant trees on and off site around perimeter, including 2 Pedunculate Oak Trees on the northern and western boundaries which are the subject of provisional Tree Preservation Orders (TPOs).
BOUNDARY TREATMENT	Timber fence panels and hedging on eastern boundary, hedging and trees on northern, southern and western boundaries.
SITE CHARACTERISTICS	The existing site comprises a mix of commercial operations. This mix includes an outdoor horticultural nursery, retail

provision and storage buildings. The site currently provides 698 sqm of existing built commercial space in lawful use. However, these commercial buildings sit within a larger site which benefits from a commercial mixed use. The built development associated with the commercial uses comprise low lying single storey buildings. Around these buildings there is a mix of hardstanding with associated parking, and grassy land.

Vehicular and pedestrian access is currently off Chalcraft Lane to the east and runs between two residential properties, no. 88 Chalcraft Lane on the north side and no.92 Chalcraft Lane on the south side. There are no public rights of way passing through the site.

The site as existing is well screened to all boundaries with some timber fence panelling, and substantial existing vegetation and tree cover.

CHARACTER OF LOCALITY

The land to the immediate west and north of the site (referred to as 'Nursery Fields') is agricultural in use at present, though these neighbouring parcels of land also form part of the wider SD3 West Bersted Strategic Allocation as set out in the Local Plan, and which is subject to an endorsed Framework Masterplan. It is understood this adjoining land is within the control of the applicant and an outline planning application has been submitted and is currently under consideration for the development of up to 225 dwellings on this land in support of the delivery of SD3 West Bersted Strategic Allocation. Public Right of Way (path 136) runs along the northern boundary of the Site, within land owned by the applicant.

To the south of the site sits Chalcraft Lane Cemetery. The land to the east of the site is residential in nature. The town centre and railway station for Bognor Regis are situated approximately 2km to the south east of the application site. The site is located within walking distance of local services, including The Regis Secondary School and Southway Primary School, a Youth and Community Centre, Sports and Social Club, Tesco Express, Churches and Public Houses. The site will further be supported by additional facilities as the wider SD3 West Bersted Strategic Development Site begins to be progressed. The site is located approximately 2km north of the Bognor Reef Special Scientific Interest (SSSI) and is located within the 5km buffer of the Pagham Harbour Special Protection Area (SPA).

RELEVANT SITE HISTORY

BE/105/18/DOC	Approval of details reserved by condition imposed under BE/6/18/PL relating to condition 9-landscape scheme.	DOC Approved 01-11-18
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BE/91/14/PL	Continuation of use of 1 no parcel of land by Motorhome & Caravan Services for the sale of touring caravans & associated spares and accessories.	Refused 19-11-14 Appeal: Allowed+Conditions 29-07-15
BE/168/12/	Erection of showroom for indoor display of conservatories and garden buildings. (Departure from the Development Plan).	ApproveConditionally 21-02-13
BE/96/10/	Proposed redevelopment of part of the site with mixed development comprising replacement (A1) retail garden & aquatic centre, 6no. 2 bed bungalows, 5no. 3 bed houses & 2no. 4 bed houses (this application is a Departure from the Development Plan)	Refused 10-11-10 Appeal: Dismissed 06-07-11
BE/47/09/	Outline Application for the demolition of all existing buildings and redevelopment of the site with up to 70 dwellings (up to 28 Affordable), public open space and strategic landscaping. Departure from the Development Plan.	Refused 12-08-09 Appeal: Dismissed 16-02-10
BE/156/07/CLE	Application for a lawful development certificate for an existing use - garden centre, aquatic sales centre and nursery	Approve 14-01-08
BE/136/06/	Outline application for 132 affordable residential units consisting of 27x1 bed flats, 36x 2 bed flats, 47x2 bed houses, 20x3 bed houses, 2x3 bed wheelchair compatible houses. Departure from the Development Plan and accompanied by an Environmental Statement. Resubmission of BE/15/05.	Refused 20-03-07
BE/15/05/	Outline application for mixed residential development comprising 140no. houses and flats. Departure from the Development Plan and accompanied by an Environmental Statement	Refused 21-12-05

Adjacent 'Nursery Fields' site
BE/148/20/OUT

Outline application with all matters, except for site access, reserved for the development of up to 225 residential units with associated infrastructure, open space and vehicular and pedestrian access. This application affects a Public Right of Way.

Decision pending

REPRESENTATIONS

Bersted Parish Council -

No objection.

Comments as follows:

- Traffic survey with snapshot of 15 minutes does not give a true reflection of traffic flows along Chalcraft Lane, request further survey should be done over minimum 2 hours.
- Surface water and foul water drainage must ensure no contamination of the site as area has a high water-table.

4 letters of objection, summarised as follows:

- Site notices not at the site for the majority of the consultation period. Free local newspapers not being distributed, due to Covid-19 pandemic, and many residents do not buy the paid for local newspaper so less publicity of the application. Request consultation period be extended given extraordinary circumstances.
- Scheme should be considered in conjunction with Nursery Fields scheme. This current proposal presupposes the success of the larger site in indicating the extension of the site access road, this aspect should be refused at this stage based on drainage issues, and proposed junction could not cope with the volume of traffic and ghost right turn not easy to facilitate. Larger Nursery Fields development should have a separate entrance off Chalcraft Cemetery.
- Existing traffic congestion/speeding issues on Chalcraft Lane - proposals for both 20 homes at this site (and up to 230 at adjacent Nursery Fields site) will significantly add to the congestion and traffic calming measures are not being proposed.
- Proposed site access/junction will create an almost staggered junction with Stroud Green Drive, will be impossible to leave either the new development or Stroud Green Drive during peak times.
- If no. of units is increased and thus vehicle numbers (in relation to up to 230 homes planned at adjacent Nursery Fields site) will result in issues for emergency vehicles trying to access the rear part of the development.
- Land contamination issues. Site previously used for dumping and burning grounds for plastics.
- Infrastructure issues in area including lack of connection to mains/public sewer network.
- Two houses planned on existing access road land is excessive, plot is too small for 2 properly proportioned houses with gardens and parking, will not be in character with surrounding houses, and will invade privacy of homes on either side.

2 letters of support received.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted and addressed in Conclusions section of report.

In addition, Officer comments in response to Parish Council comments:

- The traffic counts were undertaken over a period of 7 days using 24 hour Automatic Traffic Counts; they are not a 15 minute snapshot of local conditions.
- Drainage Engineers have requested winter infiltration testing/groundwater monitoring and details of surface water/foul water drainage conditions be used to ensure appropriate drainage.

Officer comments in response to procedural matters raised:

-In response to the comment in relation to site notices not at the site for the majority of the consultation period, Council records including photographic evidence show 4 site notices were erected at and near the site on 17th August 2020, no evidence to suggest these were removed before the 21 day statutory consultation period, so the Authority are treated as having complied with the requirements as set out in the Development Management Procedure Order 2010, Part 13 (6). In addition, the application was advertised in the local press on 20th August 2020. The statutory 21 day consultation period run until 11th September 2020. Letters of representation have also been accepted up to the date of the decision.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:**HOUSING STRATEGY & ENABLING MANAGER:**

To meet the requirements of the Council's Affordable Housing policy (30%) the applicants will need to provide 6 x affordable dwellings. The outline application includes a 30% (6 dwellings) affordable housing provision. Given the small number of affordable units in the scheme, the preference would be for a tenure of 100% social rented. Preference would be for the affordable housing provision to be predominantly 2 bed homes and for the rent on the social rented units to be set at below 80% of the open market rent. The affordable housing element and all requirements are to be secured by a S106 planning obligation not by planning condition.

PLANNING POLICY OFFICER:

Applicants do not appear to have submitted a statement to consider any impact on the existing shopping offering within Bersted Parish as requested at pre-application, and this is required to assess any impacts. (Case Officer note: email from agent has since been received (30/09/2020) which addresses this matter).

CONSERVATION OFFICER:

No objection. The application is considered to not cause harm to the significance of any heritage assets or their setting.

ENVIRONMENTAL HEALTH OFFICER:

No objection. Recommend conditions as follows: a Construction/Demolition Management Plan, restricting hours of construction/demolition, copy of asbestos register and any necessary remedial works required, full potentially contaminated land condition, Air Quality Impact Assessment, Electric Vehicle Charging Points, restricted hours for commercial deliveries, lighting scheme details required, industrial/commercial noise impact assessment required, details/control of any plant noise required. Request informative requiring acoustic fencing around site during demolition/construction works.

WSCC HIGHWAYS:

No objection, subject to proportional S106 contributions towards the total package of transport infrastructure required from the West of Bersted Strategic Allocation. Further discussions are required to confirm the scheme proposals and amounts. Recommend conditions to secure closure of existing site access, construction of new site access, provision of car/cycle parking, Electric Vehicle Charging Points, submission of Construction Management Plan and Travel Plan. Advise informatives regarding requirement for highways consents for off-site works, and temporary directional signs to housing developments.

HIGHWAYS ENGLAND:

No objection, on the basis that the Council will require a financial contribution towards the agreed

scheme of works to the A27 trunk road (in line with the Local Plan or other such scheme), the proposals would be acceptable and not materially affect the safety, reliability or operation of the Strategic Road Network (SRN) in this location or its vicinity. Note there appears to be an inaccuracy in commercial floorspace figure and subsequent trip forecast set out in the Transport Statement so this information should not be relied upon.

WSCC LEAD LOCAL FLOOD AUTHORITY:

Current mapping shows site is at low risk of surface water flooding and high risk of groundwater flooding. Any existing surface water flow paths across the site should be maintained, and mitigation measures proposed for areas at high risk. The Local Authority's Drainage Engineers may wish to review application with regard to site-specific surface water management and a technical review of drainage systems proposed. Maintenance and management of the SUDs to be set out in site-specific maintenance manual to be submitted and approved by the LPA and subsequently implemented in accordance with these plans. Works affecting the flow of an ordinary watercourse will require appropriate consent and an appropriate development-free buffer zone incorporated around it. The LPA should consult the EA if contamination from groundwater flooding within a Source Protection Zone is considered to be a risk.

DRAINAGE ENGINEER:

No objection. Recommend conditions and accompanying informatives; full details of surface water drainage scheme (based on winter groundwater monitoring and infiltration testing), details of any discharge flows to and culverting etc. of watercourses, details of the maintenance and management of surface water drainage system, provision of as-built drawings and completion report of the scheme.

ENVIRONMENT AGENCY:

This application falls outside the EA's Checklist for when to consult the EA so EA do not have any comments to make.

SOUTHERN WATER:

No objection. Request condition to secure foul and surface water sewerage disposal details. Informatives; formal application to SW for a connection to the public foul sewer to be made by the applicant or developer, and that should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

ARCHAEOLOGY OFFICER:

There would seem to be little prospect of anything of archaeological interest being affected by the development and it would therefore not be reasonable to require any further archaeological intervention.

TREES OFFICER:

No objection. Any full and detailed application will need to be supported by an Arboricultural Impact Assessment and Method Statement Report inclusive of a Tree Protection Plan. Also recommend the making of Tree Preservation Orders in respect of two Pedunculate Oak trees on site - G11 and T16 (applicant's reference) to preserve their place in the landscape.

ECOLOGY ADVISOR:

No objection. Request conditions to protect bats, reptiles, wild nesting birds and to secure net biodiversity enhancements. Ideally want Bat Survey done at OUT stage, but this could be conditioned to be required at RM stage if any works are proposed to the 2 trees identified in the Ecological Assessment as having bat roosting potential. Following submission of Reptile Mitigation Strategy, this is acceptable, final details to be provided at RM stage, recommend condition. In line with Local Plan Policy ENV DM5, information on Biodiversity Net Gain (BNG) needs to be provided as part of the planning application prior to determination. While some biodiversity enhancements have been recommended through the Ecological Assessment, further information needs to be provided demonstrating what enhancements will

be included within the scheme and what level of BNG is achieved from these measures. Further to additional BNG information provided by the applicant's Ecologist on 12th Oct, can confirm this is suitable and can be secured by condition.

NATURAL ENGLAND:

Agree with Appropriate Assessment (AA) that a likely significant effect from loss of brent goose foraging habitat can be screened out, and that recreational disturbance and surface water quality impacts are the relevant issues for the AA. Concur with findings of AA and that, subject to measures to mitigate against increased recreational pressures to be secured by obligations, and measures to avoid water quality impacts such to be secured by conditions, Natural England is satisfied that this appropriate assessment can ascertain that there will be no adverse effect on the integrity of the European Site in view of its conservation objectives.

LANDSCAPE OFFICER:

An area of concern would be the new entrance onto Chalcroft Lane and the implication this will have on existing trees/hedges and vegetation here. The commercial building (of 270m²) indicated on the Illustrative Masterplan sits very close to the main entrance road into this site, and consideration should be given to the siting of this away from this entrance road and allowing a greater open green area to this location. The potential impact on the location would require that landscaping be provided as mitigation towards screening and softening of the development. Further details required at reserved matters stage to include, robust and detailed Landscape Scheme, including replacement tree scheme, reinforced boundary planting strategy and Public Open Space (POS), and a detailed Planting Scheme. An element of POS will be required within the commercial part of the development, which does appear to have been provided in the Illustrative Masterplan, and further details regarding quantum and content would be required. The POS shown has indicated a Local Area for Play (LAP) which would be required, and which needs to form a natural element of play including elements such as landform, boulders, logs seat and bin. A clear indication of the proposed future management of the open space must be set out. A clear directive of responsibility should be set out with this statement explaining how the differing typologies will be maintained i.e. responsibility of play and POS areas.

WSCC INFRASTRUCTURE:

Infrastructure costs based on 2,500 dwellings on the wider West Bersted Strategic Allocation site = 0.8% proportional contribution for application site. * All contributions are to be BCIS index-linked at time of payment.

(Officer note: see full details of infrastructure financial and non-financial requirements set out under Section 106 Details part of this report).

SUSSEX NHS COMMISSIONER:

Financial contributions towards the expansion of the existing healthcare facilities at Grove House Surgery or contributions to the provision of a new doctors surgery within the vicinity of the development. All contributions are to be BCIS index-linked at time of payment.

WSCC FIRE & RESCUE:

No objection. Financial contribution based on formula calculation. Request conditions to secure 1 fire hydrant on site.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and addressed in Conclusion section of report.

POLICY CONTEXT

Designation applicable to site:
 Strategic Housing Site Allocation - West of Bersted SD3
 Within Built-up Area Boundary
 Pagham Harbour Zone B

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

AHSP2	AH SP2 Affordable Housing
DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
EMPDM1	EMP DM1 Employment Land: Development Management
EMPSP1	EMP SP1 Strategic Economic Growth
ENVDM2	ENV DM2 Pagham Harbour
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
ENVSP1	ENV SP1 Natural Environment
HDM1	H DM1 Housing mix
HERDM1	HER DM1 Listed Buildings
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
HERDM3	HER DM3 Conservation Areas
HERDM6	HER DM6 Sites of Archaeological Interest
HERSP1	HER SP1 The Historic Environment
HSP1	HSP1 Housing allocation the housing requirement
HSP2	H SP2 Strategic Site Allocations
HSP2A	HSP2a Greater Bognor Regis Urban Area
INFSP1	INF SP1 Infrastructure provision and implementation
LANDM1	LAN DM1 Protection of landscape character
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
RETDM1	RET DM1 Retail development
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WSP1	W SP1 Water

SKILLSSP SKILLS SP1 Employment and Skills

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TELSP1 TEL SP1 Strategic delivery of telecomms infrastructure

[Bersted Neighbourhood Plan 2014 Policy CLW4](#)

Bersted Neighbourhood Plan 2014 Policy EE1

Bersted Neighbourhood Plan 2014 Policy EE2

Bersted Neighbourhood Plan 2014 Policy EE3

Bersted Neighbourhood Plan 2014 Policy EE4

Bersted Neighbourhood Plan 2014 Policy ES1

Bersted Neighbourhood Plan 2014 Policy ES2

Bersted Neighbourhood Plan 2014 Policy ES4

Bersted Neighbourhood Plan 2014 Policy ES5

Bersted Neighbourhood Plan 2014 Policy ES6

Bersted Neighbourhood Plan 2014 Policy GA1

Bersted Neighbourhood Plan 2014 Policy GA3

Bersted Neighbourhood Plan 2014 Policy HDQ1

Bersted Neighbourhood Plan 2014 Policy HDQ2

Bersted Neighbourhood Plan 2014 Policy HDQ4

Bersted Neighbourhood Plan 2014 Policy HDQ5

Provision of Allotments

Business expansion

Retention of employment uses

Encourage a diverse range of commerce in the Parish

Local shopping facilities

Design of new development

Surface water management

Buildings and structures of character

Building design

Protection of trees

Pedestrian and Cycle Connections

Traffic calming and shared space features

Housing Site Allocations

Integration of new housing

Housing mix

Housing mix

PLANNING POLICY GUIDANCE:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11 Arun Parking Standards 2020

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 policies contained within the Bersted Neighbourhood Development Plan (made 2014) are relevant in the determination of this planning application.

The wider SD3 West Bersted Strategic Allocation, as allocated in the Local Plan, is currently subject to a Framework Masterplan, which was endorsed in September 2020 by the Council and sets out the high-level development principles for the SD3 site allocation.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to comply with relevant Development Plan policies in that residential and commercial development on the site would be acceptable in principle, and the proposals would, subject to details, have an acceptable impact on highways, visual and residential amenity, public art, heritage and archaeological remains, flooding and drainage, land contamination, trees, ecology and biodiversity, landscaping, open space, play and sports, Pagham Harbour Site of International Importance for Conservation and the provision of infrastructure to serve the development and wider allocation. The proposals would accord with all relevant policies in the Arun Local Plan including policy H SP2 and HSP2a in relation to the Strategic Allocations and West Bersted SD3.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations (in this case the Council's current lack of a 5 year housing land supply) to be weighed in the balance with the Development Plan, as detailed in the Conclusions section of the report.

CONCLUSIONS

The main issues in the determination of this application are as follows:

- Acceptability of the principle of a mixed use commercial and residential scheme on the site.
- Acceptability of the proposed new site access and quantum and type of development in terms of impacts on the capacity, safety and operation of the highways network.
- Required infrastructure provision.
- Acceptability of the proposed scheme in respect of drainage, trees, ecology, Site of International Importance for Conservation, landscape, visual and residential amenity.
- Benefits of the scheme in terms of enhancement/expansion of existing employment uses and new housing provision.

1. PRINCIPLE - RESIDENTIAL & COMMERCIAL

The application seeks outline planning permission for site access and the redevelopment of the site referred to as 'Chalcroft Nurseries' for up to 20 residential units, 2,240sqm commercial floorspace (Use Classes A1, B1, B8), 698sqm of which would be re-provision of existing commercial floor space, with associated access, parking, infrastructure and landscaping. Key to the assessment of this outline application is the acceptability of the principle of this type and quantum of development, with all matters (detailed layout, scale, appearance and landscaping) reserved, with the exception of the proposed site access.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 makes clear that any determination to be made under the Planning Acts is to be determined in accordance with the policies within the Development Plan unless material considerations indicate otherwise. The "Development Plan" in this instance comprises the Arun Local Plan 2011-2031 (July 2018) and the made Bersted Neighbourhood Plan 2014 - 2029 (submission plan with examination modifications).

Policy H SP2a of the Arun Local Plan (ALP), adopted in July 2018, shows the application site forms part of a strategic housing site allocation (SD3 - West Bersted). Policy CLW4 of the Bersted Neighbourhood Development Plan (BNDP), made in 2014, allocates the site for a community orchard and allotments. Section 38(5) of the Planning and Compulsory Purchase Act 2004 states: If to any extent a policy

contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan. ALP Policy H SP2a post-dates policy CLW4 of the BNDP, and consequently policy HP2a takes precedence. Therefore, the redevelopment of this site (for a non-community orchard/allotment use) accords with Policy H SP2a of the Arun Local Plan, and is acceptable in principle. ALP policy H SP1 seeks to increase housing supply in the District and policy H SP2a requires the SD3 West Bersted Strategic Allocation to provide at least 2,500 dwellings over the plan period. The supply of housing and the development of the site for residential purposes accords with ALP policies H SP1 and H SP2a and is acceptable in principle. ALP Policy H SP2a(h) requires the SD3 West Bersted Strategic Allocation to incorporate planned new employment provision and policy EMP DM1 seeks to protect and enhance existing employment sites. The development of the site which includes the retention of existing employment uses and the provision of 1,542 sqm of new commercial floorspace thus accords with the objectives of ALP policies H SP2a and EMP DM1 and is acceptable in principle.

In addition, another relevant material planning consideration is the Council's lack of a 5 year Housing Land Supply (currently 3.3 years). In this situation where a 5 year HLS cannot be demonstrated, the Development Plan needs to be weighed in the balance with other material considerations and the Development Plan stops being the key consideration and its policies may be afforded less weight. Para 11 (d) of the NPPF sets out that "where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (which includes for applications involving the provision of housing where the LPA cannot demonstrate a 5 year supply of deliverable housing sites), granting permission unless: (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

In order for the NPPF's (para 11) 'presumption in favour of sustainable development' to apply it must first be assessed whether the proposal would constitute 'sustainable development'. For development proposals to be considered 'sustainable' they have to satisfy the environmental, economic and social tests as per paragraph 8 of the NPPF. The proposed new dwellings (up to 20 no.) and new commercial floorspace would satisfy the social and economic tests of sustainable development through the provision of needed housing, opportunities for employment, local spending and council tax/business rate receipts. The site is located on an allocated Strategic Site. It is in an environmentally sustainable location in terms of transport, being within walking distance of local amenities and with nearby bus services, walking/cycling routes and the train station at Bognor. As such, the development would also satisfy the environmental test of sustainable development. Since the proposals would constitute 'sustainable development', the NPPF's 'presumption in favour of sustainable development' is triggered. With regard to point (i) the site is located within 5km of the Pagham Harbour SPA/Ramsar, however the Appropriate Assessment undertaken concludes that there would be no significant effect on the integrity of this designated site and so there is no clear reason for refusing the scheme. With regard the tilted balance in point (ii), in this case, it is concluded that there would not be any adverse impacts which would significantly and demonstrably outweigh the benefits of the scheme (in terms of housing and employment provision and social/economic benefits) so the proposal benefits from the presumption in favour.

In conclusion, on the basis of Policies H SP2a, H SP1 and EMP DM1 of the Arun Local Plan and the 'presumption in favour of sustainable development' set out in the NPPF, the redevelopment of the site to residential homes and commercial premises, subject to a full assessment indicated below, is acceptable in principle.

2. AFFORDABLE HOUSING

The proposals include 30% (6 units) on-site provision of affordable housing, which would comply with

ALP policy AH SP2. The Council's Housing Strategy and Enabling Manager has confirmed that the proposed provision of 6 affordable units would meet the 30% policy requirement and that the affordable housing element and its detailed requirements are to be secured by a S106 planning obligation not by planning condition, which has been applied accordingly. A tenure mix of 75% social rented and 25% intermediate housing is proposed. The Housing Strategy and Enabling Manager has commented that, given the small number of affordable units (6) in the scheme, their preference would be for a tenure of 100% social rented. However, the LPA will accept a tenure split of 75%/25% as such a mix accords with the requirements of the Local Plan. The affordable housing mix is proposed as: up to 40% 1 beds, up to 40% 2 beds, up to 20% 3 beds and up to 10% 4+ beds). This would broadly accord with the requirements of policy AH SP2, which sets out an affordable housing mix should comprise a range of homes (35-40% 1 beds, 35-40% 2 beds, 15-20% 3 beds, and 5-10% 4+ beds) unless evidence indicates otherwise. The Council's Housing Strategy and Enabling Manager has commented that their preference would be for the affordable housing provision to be predominantly 2 bed homes and for the rent on the social rented units to be set at below 80% of the open market rent. The S106 will include the requirement for an Affordable Housing Scheme (which will set out the tenure mix and dwelling type of the affordable units).

Policy HDQ4 of the BNDP requires that proposals for new housing must deliver a range of house types and tenures. Applicants will be expected to provide a Bersted-specific dwelling mix and affordable housing strategy with their planning application, clearly demonstrating how the development addresses the needs of current and future households.

Subject to a S106 legal agreement to secure the affordable housing provision, the proposals would accord with policy AH SP2 of the Arun Local Plan and policy HDQ4 of the Bersted Neighbourhood Development Plan.

3. COMMERCIAL FLOOR SPACE MIX

The development on the site proposes commercial floor space totalling 2,240sqm, which consists the provision of 1,542 sqm of new commercial floorspace and 698 sqm as re-provision of existing commercial floorspace (demolition of existing garden centre building and re-provision as a modern larger building). This includes the enhancement of existing employment premises and the 1,542sqm of new commercial floorspace is proposed to consist an additional 52sqm for the garden centre, an additional 47sqm for the aquatics centre, a reduction of 35sqm for the furniture outlet (although the exact occupants are not secured by this permission), and 1471sqm of new flexible commercial floorspace (B1 and B8 uses) and 199sqm of new A1 use.

Given the existing commercial premises on site, the policy support under ALP policy EMP DM1 and BNDP policies EE1 and EE3 for re-using, enhancing and expanding existing employment sites subject to acceptable amenity impacts, and the requirement under ALP policies H SP2 and H SP2a for the SD3 West Bersted Strategic Allocation to incorporate new employment provision, the proposed enhancement and expansion of the commercial uses on site is supported. An appropriate provision of small-scale commercial development would accord with the endorsed Framework Masterplan and overall delivery of the wider strategic site.

A revised Use Class Order came into effect on 1st September 2020 which introduced a new Class E for commercial, business, and service uses. Since the current application was submitted prior to 1st September 2020, the application is to be determined under the transitional arrangements (which are in place until 31st July 2021). The application has thus been considered and determined on the basis of the previous use classes; the proposed B1 (office, R&D, minor industrial), B8 (storage/distribution) and A1 (retail) uses, as set out above. However, it is acknowledged that, given the introduction of the new Use Class Order, these (former) B1 and A1 uses could be moved to any other operations within Class E

thereafter (B8 operations remain within its own separate B8 use class). As such, the LPA has applied a planning condition to control and prevent a change from B1, B8 and A1 uses to other uses within Class E (e.g. cafes/restaurants, health centres, nurseries, indoor recreation/gyms) to ensure that the development is assessed and carried out in accordance with the uses sought and to ensure that different uses do not come forward within Class E that may have different or unacceptable impacts including but not limited to waste storage, servicing, amenity, transportation.

A planning condition has also been used to cap the additional A1 use at 199sqm. The nearest parade of retail units is located on Central Drive/Chichester Rd about 0.3m (a 7 minute walk) from the site. The parade consists of at least 15-20 retail units, including 2 convenience stores, a post office, DIY/garden supplies, a pet store, a pharmacy, several hairdressers, takeaways and cafes/restaurants. There is also a smaller group of local shops on the West Meads estate. Given the proposed scale of retail offer on site, it is considered that up to an additional 200sqm in size would not result in competition nor harm to the existing retail offer within Bersted. This accords with ALP policy RET DM1 which makes clear that retail impacts of development needs to be assessed and addressed and that retail development outside of town centres within village and suburban local centres require a Retail Impact Assessment from a threshold of 200 sqm.

With regard to the proposed B8 use (storage or distribution) which has been applied for, the LPA would support a B8 distribution use (the more potentially disruptive of the two operations within B8), but subject to the use of appropriate planning conditions to restrict any singular block/building size of B8 use to a maximum size of 730sqm to ensure it would have an acceptable amenity impact within a residential location. Details of the scale of these commercial buildings including footprints would be dealt with at Reserved Matters stage.

A planning condition has also been added to control and prevent any outdoor storage, sales areas or any other outdoor uses within B1, B8 or A1 use forming part of this approval, since this has not been applied for, and to ensure that the development is assessed and carried out in accordance with the uses sought and to ensure that different outdoor uses do not come forward that may have different or unacceptable impacts. The condition requires that any outdoor storage, sales areas or any other outdoor uses associated with the approved commercial uses would need to be submitted and considered under a reserved matters application.

In conclusion, this location for the enhancement and expansion of commercial uses is supported by Arun Local Plan policies H SP2, H SP2(a), EMP SP1, RET DM1 and EMP DM1, policy EE1 of the Bersted Neighbourhood Plan, the NPPF provisions and the endorsed West Bersted Masterplan Framework. The proposed 2,240sqm of A1, B8 and B1 uses, is acceptable subject to the use of planning conditions restricting retail uses (to a maximum cap of an additional 199sqm), restricting the size of B1 and B8 buildings (to maximum of 730sqm) to control amenity impacts of B8 uses, and conditions preventing a change to other E Class Uses or the addition of any outdoor storage, sales areas and other uses to control amenity impacts. Planning conditions have been applied accordingly.

4. DESIGN

Whilst detailed design (including layout, scale and external appearance) is a matter to be assessed at Reserved Matters stage, it is appropriate at Outline application stage to assess whether the overall siting, scale and type of development proposed would have an acceptable visual impact in principle in the context of the character of this part of Bersted.

Land uses and building heights parameters have been provided in the form of a Land Use and Buildings Heights Parameter Plan. This details that the commercial buildings closest to the existing residential properties along the eastern edge of the site would be a maximum of 6m in height (c.1.5- 2 storeys). It

shows a 10m landscape buffer between the eastern boundary adjacent to the existing residential properties and the new commercial 6m high building/s. Given the proximity of neighbouring properties and the visibility of this part of the site, such a building height could be acceptably accommodated and, subject to the detailed siting, footprint, and design of these buildings and appropriate landscape buffer, would have an acceptable visual impact.

The Parameter Plan shows the central area of the site would comprise commercial buildings with a maximum height of 11m (2-2.5 storeys). Given the siting of these buildings set further away from Chalcraft Lane and the existing residential properties, and the lesser visibility of this part of the site, this height could be accommodated acceptably. However, this would be on the basis that the building footprints would be of an appropriate size to prevent any large expanse and built mass from resulting. A condition is therefore recommended restricting any singular commercial block to a maximum size of 730sqm to avoid extremely large blocks and ensure an acceptable scale, mass and visual impact within a residential location.

The Parameter Plan shows that the maximum height of any building/s within the residential plot at the front of the site fronting onto Chalcraft Lane would be 8.5m (2 storeys). This height would be visually appropriate within the context, given the height/roof profiles of the immediate properties on either side and given the character of the street as a whole.

The Parameters Plan and Illustrative Masterplan show pedestrian/cycle links off the new site access road linking up to existing PRowS which run out of the western boundary of the site and along the northern edge of the site. This accords with the wider key connections shown in the endorsed Masterplan Framework. These connections would accord with Policies H SP2 and H SP2a of the ALP.

In conclusion, the Parameters Plan indicates land uses and building heights which will have an acceptable impact in principle on the character and visual amenity of the area and would accord with the principles set out in ALP policies H SP2 and H SP2a. The detailed layout, scale and external appearance of the development, and compliance with design principles set out in policies D SP1 and D DM1 of the ALP, BDNP policies ES1, HDQ2, HDQ5, HDQ7 and GA1, the adopted ADC Design SPD, and the National Design Guide, are matters to be addressed at Reserved Matters stage.

5. HERITAGE - LISTED BUILDINGS & CONSERVATION AREA

A Heritage Statement has been submitted with the application. There are 9 designated heritage assets, including Bersted Conservation Area, and 2 non-designated heritage assets located within 1km of the application site. With the exception of Morells Farmhouse, all of these heritage assets are visually and functionally separated from the application site by a large area of intervening modern development, which precludes any inter-visibility between them and the site. The Council's Conservation Officer has confirmed that, as a consequence, the proposed development is not located within the settings of these heritage assets and it would not harm their significance.

With regard to Morells Farmhouse, it is located to the west of the site and is separated from it by open farmland. However, the presence of surrounding development, the presence of nature vegetative screening between the farmhouse and the application site meaning the site is screened from the immediate setting of the farmhouse, and the fact that a key element of how the property is experienced is from the approach along the Lower Bognor Road or from within the curtilage, means that there is no visual relationship between the listed building and the site and the proposals would not affect its setting or significance. The Council's Conservation Officer has confirmed that, the proposed development is not located within the settings of any heritage assets and it would not harm their significance.

The proposals would therefore preserve the setting of nationally and locally listed buildings and that of

the Conservation Area, in accordance with the NPPF, policies HER DM1, HER DM2 and HER DM3 of the Arun Local Plan and policies ES4 and ES5 of the Bersted Neighbourhood Plan.

6. RESIDENTIAL AMENITY

Whilst detailed impacts on residential amenity (including as a result of layout, scale and design) is a matter to be assessed at Reserved Matters stage, it is appropriate at Outline application stage to assess whether the overall siting, scale and type of development proposed would have an acceptable impact on residential amenity of existing occupants in the area.

The Parameters Plan indicates a green landscape buffer between the new access road and the southern boundary of the site and there is also an existing area of green buffer which sits between the site boundary and Chalcraft Cemetery. The proposed enhanced landscaped buffer, which will include reinforcement to the existing tree cover along the site boundary, will safeguard the quiet tranquillity of this neighbouring public space, the Cemetery. Details of this landscaping will be secured at Reserved Matters stage.

The site access would be re-located away from no.92 Chalcraft Lane and closer to no.98. However, the Parameters Plan confirms there would be a minimum 7.5m (widening to 13m+) landscape buffer between the site boundary/garden to no.98 and the new site access road. Given this neighbouring property, no. 98, is already sited on the busy Chalcraft Lane and subject to the use of fixed hard surfacing for the road (i.e. not gravel), effective buffer landscaping and boundary treatments it is concluded it would not have an unacceptable impact in terms of noise and disturbance to this neighbouring property.

The Parameters Plan shows a 10m 'no build' landscape buffer between the eastern boundary of the site adjacent with the residential properties (nos. 92-98 Chalcraft Lane) and that the nearest new commercial building/s would have a maximum ridge height of 6m. Combined with effective boundary treatments; landscaping and detailed siting and design of development, this would prevent any significant and demonstrable impacts on outlook, light or privacy levels deriving from over massing or overlooking of the occupants of the nearby neighbouring properties. Details of the landscaping, boundary treatments and siting/design of the new built form will be secured at Reserved Matters stage.

The LPA acknowledges that any development that conforms with employment policies of the ALP, which enhances and expands existing employment sites, will result in an increased level of activity. Officers are satisfied that the enhanced and expanded employment premises and resultant intensification in activity on the site can be adequately controlled to ensure an acceptable impact on neighbouring amenity. This includes restricting employment uses to blocks located in the least harmful areas of the site as per the Parameter Plan and the use of planning conditions to restrict the maximum size of singular blocks and restricting the hours of operation of the units in respect of working hours and collections/deliveries. The Council's Environmental Health Officer has requested a number of planning conditions to safeguard residential amenity. These conditions have been applied accordingly.

The Parameter Plan shows that the maximum height of any building/s within the residential plot at the front of the site fronting onto Chalcraft Lane would be 8.5m (2 storeys). There is some concern that a 2 storey building/s and of this height could result in overlooking and a negative impact on outlook and light levels to the immediate neighbours (no.88 and no.92), and that only a single storey property may be acceptable on this location, given the size/shape of the plot and proximity to neighbouring properties. The design and residential amenity impacts of this part of the scheme would have to be carefully considered at Reserved Matters stage.

In terms of the amenity of future occupants, ALP policy D DM1 seeks adaptable design and policy HDQ4

of the BNP states that a proportion of new housing proposed is required to meet Lifetime Homes Standards so homes are suitable for households whose needs change. As such, a planning condition has been applied requiring a minimum of 30% of residential units to be provided at Reserved Matters stage as being to M4(2) Building Regulations standards (or any other successive standard), to ensure the provision of adaptable dwellings which meet the diverse needs of future occupants.

Subject to acceptable details being provided at Reserved Matters stage and impacts being controlled by planning conditions, the development would not result in any unacceptable impacts on residential amenity, in accordance with Policies D DM1, QE SP1, QE DM1, QE DM2 and QE DM3 of the Arun Local Plan or para 127 of the NPPF.

7. HIGHWAYS, TRANSPORT & PARKING

The proposed access from the south of the site onto Chalcraft Lane would comprise a junction and minor access road within the wider SD3 West Bersted Strategic Allocation. The proposal for a secondary access road/entrance into the application site in this location accords with the indicative road network hierarchy for the wider Strategic Allocation detailed in the endorsed Framework Masterplan. The site would also maintain the connections to the existing Public Right of Way network surrounding the site, again in accordance with the objectives of ALP policy H SP2 and the endorsed Masterplan. A separate cycle lane through the site for the scale of development proposed is not required. The proposed minor access road (which would also carry any cyclists) and proposed walking connections would ensure permeability across the site. Any further links or upgrading of this junction to allow for wider site access would be dealt with under future applications for that site.

A planning condition to secure the measures set out in the Travel Plan will ensure appropriate access to walking, cycling and public transport. The proposed access road, walking/cycling links and Travel Plan initiatives would accord with the objectives of ALP policy H SP2 which seeks to (a) integrate appropriately with surrounding communities including through....connectivity of transport modes including walking, cycling and public transport. It would also accord with ALP policy T SP1 which requires development to be incorporated into the District's green infrastructure network and give priority to pedestrian and cycle movements, policy T DM1 (ALP) which requires access to alternative modes of transport including public transport services, the public right of way and cycle networks, to be available and accessible to all members of the community, and paragraph 102 of the NPPF which requires development proposals to pursue opportunities to promote walking, cycling and public transport uses.

The application is supported by a Transport Statement (which has been based on modelling for the adjacent Nursery Fields site too), Travel Plan and Technical Notes. WSCC have raised no objection to the proposed site access to serve the proposed residential or commercial development. County Highways have confirmed that the Road Safety Audit results show that the occupation of any net additional commercial floorspace could be accommodated safely subject to upgrades to the existing site access. A planning condition is to be used requiring that any occupation of net additional commercial floorspace (up to 700sqm) requires a scheme of upgrades to the existing site access to be submitted to and approved in writing by the LPA and implemented in full and maintained unless otherwise agreed with the LPA or if the existing site access is stopped up. A condition has also been added that the new site access would need to be completed prior to the occupation of the first residential unit, or the occupation of more than 700sqm net additional commercial floorspace. Finally, a condition has been added that the existing site access would need to be physically stopped up prior to the occupation of the first residential unit, or the occupation of more than 700sqm net additional commercial floorspace, or the completion of the new site access, whichever is soonest, to avoid a scenario whereby two accesses (new and existing) could be used concurrently from the site.

The proposals accord with ALP Policy T SP1 which states that the Council will ensure that development:

provides safe access on to the highway network and paragraph 108 of the NPPF which states in assessing specific applications for development it should be ensured that (b) safe and suitable access to the site can be achieved for all users and paragraph 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.

Planning conditions regarding the construction and stopping up of the site access, a Construction Management Plan and Travel Plan have been added accordingly, and details of car/cycle parking and Electric Vehicle Charging Point provision would be secured at Reserved Matters stage.

ALP policy H SP2 seeks to k) address the off-site capacity requirements, that relate to that particular allocation, identified in the Arun Transport Assessment (2016 and update 2017 and taking into account subsequent relevant assessments) and the local highway network. The application does not meet part (k) of policy H SP2 since the relevant transport assessment/s to address the off-site capacity requirements that relate to this particular strategic allocation and the local highway network have not yet been completed. However, the Transport Statement and supporting information submitted with this application have demonstrated that the impact of this development proposal on the local highway network can be adequately mitigated. The LPA accepts this approach in this instance on the basis that the application site forms only a small part of the wider strategic allocation.

ALP policy HSP2 requires that developments on allocated sites (n) provide for the required infrastructure, that relates to that particular allocation, in accordance with Policy INF SP1 and the Infrastructure Delivery Plan. The accompanying S106 legal agreement to the application provides for proportional financial contributions to off-site transport infrastructure as detailed in the Arun Transport Study and Apportionment Study. This has been calculated on a proportional basis for the size of the application site in relation to the size of the wider allocation, comprising 0.8% of the expected total transport infrastructure costs for the wider site allocation. Policy H SP2a sets out the specific requirements for West Bersted SD3 including (e) a road/pedestrian/cycle link between the A259 and Chalcraft Lane, including facilitating the cycle route to Pagham and enhancing the A259 cycle route and (f) improvements to the A259 between Bersted and Drayton. The application does not make provision of (e) or (f); however, the residential increase from this scheme accounts for only 0.8% of the total housing numbers of the allocation and any impact on these links will be negligible/minimal. The Council is aware that improvements towards Chalcraft Lane, which will improve cycle access in this location, are to be forthcoming as part of the delivery of the West Bersted allocation. A balanced judgement has been taken whereby it is acknowledged that the harm from not providing a financial contribution to such links under this current application would not be overriding owing to the quantum of residential units this current application proposes. Policy H SP2a requires (i) where possible, provide linkages and accessible pedestrian and cycle routes to Bognor Regis town centre. The accompanying S106 legal agreement provides for proportional financial contributions to the transport infrastructure improvements as set out in policy H SP2a (i) for the West Bersted allocation.

Subject to appropriate planning conditions, and financial contributions being secured under the S106, the proposals would have an acceptable impact on the capacity, safety and operation of the highways network, and would accord with policies T SP1, T DM1, and H SP2(a) of the Arun Local Plan and the NPPF. The application does not fully meet the tests of policy H SP2, in relation to parts (k) (e) and (f) off-site capacity requirements related to the allocation and local highway network and financial contributions to various infrastructure improvements. However, given the size of the application site and that it only forms a small part of the wider allocation, and that it has been demonstrated that the impacts of this development on the local highway network can be adequately mitigated, and the benefits of the proposal in terms of housing and employment provision, it is concluded, on balance, that the proposals are acceptable in this respect.

8. FLOOD RISK & DRAINAGE

The site falls within Flood Zone 1 (which the Environment Agency defines as at 'low risk' of flooding). Notwithstanding this, as the site is larger than 1 hectare, a Flood Risk Assessment was required in accordance with the NPPF and ALP policy W DM2 and an FRA has been submitted with the application. It has not been necessary to undertake a Sequential Test since the site forms part of a Strategic Allocation within the Local Plan, where an ST has already been undertaken.

Mapping shows the site is at high risk of groundwater flooding. The overall drainage strategy for the wider West Bersted Strategic Allocation site is to utilise the existing rife and a series of attenuation basins. A Surface Water Management Strategy for the site which includes underground storage crates and subsequent discharge controls to assist with release of surface water to the ground/watercourses would accord with this approach for the wider site. Details will be secured via the discharge of conditions process. The Council's Drainage Engineers support this 'hybrid' arrangement for surface water drainage, subject to acceptable details being provided via discharge of conditions applications. Subject to this, the proposals will accord with ALP policy W DM3, which states that all development must identify opportunities to incorporate a range of Sustainable Urban Drainage (SUDs) systems, and Policy ES2 of the BNDP, which requires that surface water management measures for new development will be required.

Southern Water have confirmed that foul drainage can be connected to existing public sewers to service the proposed development. A condition has been added to secure details of foul sewage disposal prior to occupation of the development.

Subject to these conditions, the site would be appropriately drained and the proposals would not result in flood risk elsewhere, in accordance with Arun Local Plan policies W DM2 and W DM3 and policy ES2 of the Bersted Neighbourhood Plan.

9. ARCHAEOLOGY

The site has been subject to an archaeological field evaluation in 2005 as part of a previous application for development. This comprised 8 no. trial trenches focussed along the northern part of the site. An updated Historic Environment Desk-Based Assessment has been submitted with the current application and concludes that the proposed development would not affect any potential archaeological remains on site and that no further archaeological studies are needed. This accords with the advice received from the Council's Archaeology Advisory as part of the pre-application and EIA process.

As such, the proposals would be unlikely to result in any harm to remains of archaeological interest. This accords with ALP policy HER DM6, which states that where a site on which development is proposed has the potential to include heritage assets with archaeological interest, permission will only be granted where it can be demonstrated that development will not be harmful to the archaeological interest of these sites.

10. TREES

A Preliminary Arboricultural Impact Assessment has been submitted which identifies trees on site and sets out various protection and management measures for the trees and hedgerows on site. The Council's Trees Officer has provided comments. They confirm that trees of moderate to high quality and landscape value will have to be removed to provide the access road. This loss of established tree cover would likely not incur undue detriment to the visual amenity of the surrounding area and can be adequately compensated for within the soft landscaping proposals. The Tree Officer also recommended the making of Tree Preservation Orders in respect of two Pedunculate Oak trees on site to preserve their

place in the landscape, these TPOs have now been made provisionally and afford these trees an even greater level of protection through the development process.

A planning condition will secure, prior to commencement of development, an Arboricultural Impact Assessment and Arboricultural Method Statement inclusive of a Tree Protection Plan, defining which trees are to be retained and which trees are to be removed and how it is proposed to protect the retained trees. The condition also includes the requirement for a buffer strip with protective fencing around the existing hedgerows to be installed to protect these hedgerows.

Subject to the above recommendations, the development would not result in undue harm to trees and hedgerows of value, in accordance with Policies H SP2a and ENV DM4 of the Arun Local Plan, which seeks to protect trees with TPOs, identified as Ancient Woodland, in Conservation Areas, or contributing to local amenity, and Policy ES6 of the Bersted Neighbourhood Plan, which seeks to resist development that would result in damage or loss of trees of arboricultural and amenity value and such trees should be retained wherever possible.

11. ECOLOGY & BIODIVERSITY

An Ecological Assessment (EA) dated July 2020 was submitted with the application. The Council's Ecology Advisor has raised no objection on ecology grounds and requested conditions to protect bats, reptiles and wild nesting birds and to secure Biodiversity Net Gain (BNG). The Ecology Officer has advised that, following submission of a Reptile Mitigation Strategy (dated September 2020), they are satisfied the measures proposed are suitable, that final details should be provided at Reserved Matters stage and recommend a condition to secure this. In addition, they advised that if any works are proposed to the 2 trees identified in the EA as having bat roosting potential, that a detailed Bat Survey and Mitigation Strategy shall be undertaken (within 2 years prior to commencement of development). The EA included a number of biodiversity enhancement measures but the Council's Ecology Officer requested further information. Additional information was submitted in the form of BNG Headline Results and BNG Indicative Site Plan (October 2020), with BNG calculations based on the DEFRA matrix, and the Ecology Officer has confirmed that the BNG of the development is suitable and should be secured by condition. Conditions have been added accordingly.

Subject to conditions and the above recommendations, the proposals would protect ecology and result in a Biodiversity Net Gain, in accordance with the NPPF, Environment Bill and policy ENV DM5 of the Arun Local Plan, which states development shall seek to achieve a net gain in biodiversity and protect existing habitats on site.

12. LANDSCAPING, OPEN SPACE, PLAY, LEISURE & SPORTS

The Parameters Plan shows indicative landscaping which has been reviewed by Officers and is considered to be acceptable in principle. The Council's Landscape and Greenspace Officer has raised no objection, subject to acceptable details, including a Detailed Landscape Scheme & Planting Plan, in accordance with the Parameter Plan, being provided at Reserved Matters stage.

The amount of Public Open Space required will depend on the number of units and final layout, but the provision of open space on the indicative plans suggests this can be accommodated to accord with the Public Open Space requirement generated under ADC's Open Space SPD. A planning condition will be added to secure a Local Area for Play (LAP) on-site at Reserved Matters stage.

Subject to acceptable details of landscaping and open space being provided at Reserved Matters stage and securing financial contributions under an S106 towards social, leisure and sports facilities, the proposals would accord with policies D DM1, D SP1, H SP2 and H SP2a of the Arun Local Plan,

paragraph 127(b) of the NPPF, and the Arun District Council Supplementary Planning Document Open Space, Playing Pitches, Indoor and Build Sports Facilities, January 2020.

13. PAGHAM HARBOUR SPA & RAMSAR

The site falls within the 5km buffer of the Pagham Harbour Special Protection Area (SPA). Policy W SP1 requires that the Council will seek to enhance the quality of the water environment which supports a range of habitats and ecosystems. Policy H SP2a(g) (West Bersted) requires development within the site allocation to ensure no detrimental impact to Pagham Harbour SPA, through compliance with ALP Policy ENV DM2 (Pagham Harbour). Policy ENV DM2 requires all new residential development likely to have an impact on Pagham Harbour to:

- i. Make developer contributions towards the agreed strategic approach to access management at Pagham Harbour.
- ii. Create easily accessible new green spaces for recreation within or adjacent to the development site. These shall be capable of accommodating the predicted increases in demand for local walking, including dog walking. Good pedestrian links shall be provided between housing areas and new and existing green space in order to discourage car use.

The Masterplan Framework for the wider West Bersted site details that the residential aspect of the development would be well-linked to a network of both existing and emerging new green spaces. These spaces are designed to be capable of accommodating predicted increases in demand for local walking, including dog walking, which will also discourage car usage and pressure on Pagham Harbour SPA. This satisfies part (ii) of Policy ENV DM2.

The LPA has measures in place (SAMM tariff) to manage the potential recreational disturbance impacts from development on the SPA. Subject to making the appropriate financial contributions (£871 per dwelling) as secured under the S106 agreement towards the agreed strategic approach to access management at Pagham Harbour, this will satisfy part (i) of Policy ENV DM2.

The LPA has undertaken an Appropriate Assessment (AA) which considered the loss of supporting habitats for relevant bird species to the Ramsar/SPA. It concluded that, subject to satisfactory mitigation measures set out in the applicant's Habitat Regulations Assessment, the SAMM tariff being secured through a S106 legal agreement, and the addition of planning conditions requiring a Construction/Demolition Management Plan & land remediation, development would be acceptable. The AA concludes that, with mitigation, the development, in combination with other plans and projects, would not have an Adverse Impact on the integrity of the European protected sites. Natural England confirm that they concur with the Appropriate Assessment findings, providing all mitigation measures proposed are appropriately secured in any permission given.

The proposals would therefore be unlikely to result in unacceptable recreational pressures or other harm to the Pagham Harbour SPA/Ramsar site, in compliance with the legislation and Local Plan policies H SP2a (g), ENV DM2 and W SP1.

14. INFRASTRUCTURE PROVISION & S106

Policy INF SP1 of the Local Plan states: 'The Local Planning Authority will support development proposals which provide or contribute towards the infrastructure and services needed to support development (including the necessary infrastructure set out in the Infrastructure Delivery Plan) to meet the needs of occupiers and users of the development and the existing community'. Policy H SP2 requires that Strategic Allocation sites (n) provide for the required infrastructure, that relates to that particular allocation, in accordance with Policy INF SP1 and the Infrastructure Delivery Plan.

Subject to non-financial and financial contributions being secured and made, towards affordable housing, play provision, highways improvements, healthcare, education, libraries, fire & rescue services, sports and recreation, and Pagham Harbour SPA/Ramsar site, as per the agreed S106 legal agreement, the proposals would comply with policy SP1 INF, H SP2 and H SP2a of the Arun Local Plan.

SUMMARY:

The current application seeks outline permission for site access, an internal access road and the principle of development of up to 20 dwellings and 2,240sqm of commercial floorspace, with all other matters (layout, scale, appearance and landscaping) reserved. The application site forms part of the wider Strategic Housing Allocation site West of Bersted (SD3) set out in policy H SP2a, which seeks to provide new housing and employment uses. In addition, given the Council's current 5 year housing land position, that the proposals would constitute 'sustainable development' and that any adverse impacts of the scheme would not significantly and demonstrably outweigh its benefits, in the tilted balance, the proposals benefit from the NPPF's 'presumption in favour of sustainable development'. As such, the redevelopment of the site to provide residential homes (subject to 30% being secured as affordable housing) and commercial premises (subject to a restriction on the amount of retail uses) is acceptable in principle.

It is anticipated that the proposed access road would, in due course, be used to serve both the proposed development at the Chalcroft Nursery site but also potential development at the adjacent Nursery Fields site for up to 225 residential units, thus serving a total of up to c.245 dwellings and the commercial aspect of this current proposal. It appears that the current proposals would not prejudice the delivery of the adjacent site nor the wider site allocation, and in any event the impacts on the adjacent site and the wider site allocation would be addressed and assessed in full under separate and future applications for those sites. The proposal for a minor access entrance road in this location accords with the indicative road network hierarchy for the wider allocation detailed in the endorsed Masterplan and the site would maintain the connections to the existing Public Right of Way network surrounding the site ensuring permeability, both of which would accord with the policy objectives of policy H SP2 for Strategic Site Allocations. The Local Highways Authority have confirmed that the proposed access for the current application would be acceptable, in terms of safety and operation of the highway network, subject to proportional S106 contributions towards the total package of transport infrastructure required from the West of Bersted Strategic Allocation. A S106 has been agreed which secures financial contributions towards the necessary transport infrastructure. Subject to conditions, the proposals would accord with the NPPF and policies T SP1, T DM1 and H SP2 and H SP2a of the Arun Local Plan.

Subject to the imposition of planning conditions, details to be secured at reserved matters stage and financial contributions and planning obligations set out in the agreed S106 legal agreement, the proposals would also have an acceptable impact regarding; visual and residential amenity, public art, heritage and archaeological remains, flooding and drainage, land contamination, trees, ecology and biodiversity, landscaping, open space, play and sports, Pagham Harbour Site of International Importance for Conservation and the provision of infrastructure to serve the development and wider allocation. The proposals would accord with the NPPF and all relevant policies in the Arun Local Plan including policy H SP2 and HSP2a in relation to the Strategic Allocations and West Bersted SD3.

All other relevant planning considerations have been taken into account but none are of sufficient weight to warrant the recommendation being changed.

The application is therefore recommended for approval, subject to the following planning conditions and Section 106 legal agreement:

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

The S106 setting out the financial and non-financial planning obligations has been agreed and signed and include:

The provision of 30% affordable housing and a play area on-site and obligations to enter into the highways agreement and carry out the highways works.

Financial contributions as follows:

1) Transport Improvements

A259 Corridor Improvement to Bognor Regis to Littlehampton = £1,600.00

A29 Realignment = £12,800.00

A259 Oystercatcher Junction upgrades = £8,000.00

A259 Felpham Relief Road upgrades = £5,104.00

A29/A259 Rowan Way upgrades = £4,960.00

A27 Bognor Road Roundabout upgrades = £7,320.00

Bognor Regis Cycle Route = financial contribution (based on formula calculation) to provision of new 2km route

2) Social, Leisure and Sport

3G pitch provision = £1,406 plus land costs (£4,304).

Playing pitch provision = £1,406 plus land costs (£4,304).

Sports Hub/Community Centre = £20,000

Sports Hub/Ancillary Facilities = £10,005

Sports Hub/Sports Hall = £7,919.40
 Sports Hub/Health & Fitness = £2,464.00
 Sports Hub land costs = land costs (£231.20)
 Swimming pools = £8,532.60

3) Habitat Mitigation Measures
 Pagham Harbour SPA = £17,420.00

4) Education
 Early years = £27,555.55 plus land costs (£480).
 Primary = financial contribution based on a formula plus land costs (£5,536).
 Secondary = Multiplier formula based on £34,566 per pupil.
 Sixth form = Multiplier formula based on £30,939 per pupil.
 Special Educational Needs & Disability = £9,600.00 plus land costs (£472).

5) Libraries
 = £800

6) Fire & Rescue Services
 A financial contribution towards the redevelopment of Bognor Regis Fire Station, to be based on a formula.

7) NHS Healthcare
 = £22,860

8) Monitoring of infrastructure planning obligations/CIL
 £6,600

9) County Council monitoring fee
 £1,200

CIL DETAILS

This application is not CIL liable since the Council's CIL charging schedule identifies the strategic allocation as zero rated for CIL.

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 3 years beginning with the date of this permission:-

- (a) Layout (including, where applicable, any proposed outdoor storage or sales areas or any other outdoor uses associated with any commercial floorspace);
- (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 5 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 permitted shall be carried out in accordance with the following approved plans:

- Site Location Plan 01: Drawing No. 01304_S_07 Rev P2
- Site Location Plan 02: Drawing No. 01304_S_08 Rev P2
- Land Use and Building Heights Parameter Plan: Drawing No. 01304_PP_01 Rev P8
- Site Access Arrangement: Drawing No. ITB14224-GA-001 Rev F

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies D SP1, D DM1, T SP1 and T DM1 of the Arun Local Plan (2011-2031).

- 4 This outline application approves 2,240sqm of commercial floorspace comprising a mixture of B8, B1 and A1 uses as defined by the Town and Country Planning Use Classes Order 1987 (unamended).

- The B8 and B1 uses hereby permitted shall not exceed 730 sqm in any single building.
- Any retail uses shall not exceed a total of 897 sqm of the total commercial floorspace at any one time.

That part of the commercial floorspace permitted for B8 or B1 floorspace as defined by the Use Classes Order 1987 (unamended) must be used for those purposes and not for any other purpose, including any other uses within Class E of the Town and Country Planning Use Classes Order 1987 as amended September 2020 or any equivalent class in any order that may replace it.

That part of the commercial floorspace permitted for retail use must be used for that purpose and not for any other purpose, including any other uses within Class E of the Town and Country Planning Use Classes Order 1987 as amended September 2020 or any equivalent class in any order that may replace it.

Reason: To ensure the residential amenity of existing and future occupants is protected, that the visual amenity of the area is acceptable, and to allow the Local Planning Authority to control the amount of retail floorspace on site and to ensure there would not be an over-provision of retail floorspace to the detriment of the local shopping offer, in accordance with Policies QE SP1, QE DM1, D SP1, D DM1 and RET DM1 of the Arun Local Plan. To ensure that the development is assessed and carried out in accordance with the uses sought and to ensure that different uses do not come forward within Class E that may have different or unacceptable impacts including but not limited to waste storage, servicing, amenity, transportation.

- 5 No outdoor storage or sales areas or any other outdoor uses within B1, B8 and A1 are permitted for any commercial unit under this outline application unless such associated outdoor storage or sales areas or other outdoor uses have formed part of a reserved matters approval issued by the Local Planning Authority. Any associated outdoor storage or sales areas or any other outdoor uses permitted by a reserved matters approval shall be used for

that permitted use only and not for any other purpose, including any other uses within Class E of the Town and Country Planning Use Classes Order 1987 as amended September 2020 or any equivalent class in any order that may replace it.

Reason: To enable the Local Planning Authority to control the development in detail including the amount, layout and type of outdoor uses on the site to ensure the visual and residential amenity of local residents is protected, in accordance with the National Planning Policy Framework and Arun Local Plan policies QE SP1, QE DM1 and D DM1.

- 6 The details referred to in condition 1 for the residential units shall include a plan identifying a minimum of 30% of residential units to be provided as being to M4(2) Building Regulations standards (or any other successive standard). The development shall be undertaken in accordance with those details and retained as such at all times thereafter.

Reason: To ensure the provision of adaptable dwellings which meet the diverse needs of future occupiers, in accordance with the National Planning Policy Framework, policy D DM1 of the Arun Local Plan, and policy HDQ4 of the Bersted Neighbourhood Plan.

- 7 No development shall take place, including any works of demolition, until a Demolition and Construction Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:-

- 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. Measures to control the emission of dust and dirt during construction;
- f. Anticipated number, frequency and types of vehicles used during construction;
- g. Method of access and routing of vehicles during construction;
- h. Parking of vehicles by site operatives and visitors;
- i. Loading and unloading of plant, materials and waste, including permitted times for deliveries;
- j. Storage of plant and materials used in constructing the development;
- k. A scheme for recycling / disposing of waste resulting from demolition and construction works i.e. no burning permitted;
- l. 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);
- m. The erection and maintenance of security hoarding, including decorative displays and facilities for public viewing, where appropriate;
- n. Details of an acoustic fence barrier around the eastern and southern boundary of the site to be installed for the duration of demolition/construction works.

Reason: To protect the amenity of local residents and in the interests of highways safety, in accordance with Policies QE SP1, QE DM1, QE DM2, QE DM3, T SP1 and T DM1 of the Arun Local Plan. This planning condition is required to be pre-commencement to ensure details of demolition and construction works and measures to mitigate impacts are secured prior to works commencing.

- 8 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 activities on Sunday or Bank Holidays.

In addition to these hours of working the Local Planning Authority may approve in writing a schedule of activities where it is necessary to conduct works outside the hours specific in this condition.

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

- 9 Prior to commencement of the development hereby approved (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority:

1. A 'Preliminary Risk Assessment' which has identified: all previous (historical) uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; and potentially unacceptable risks arising from contamination at the site.

2. A 'Site Investigation Scheme', based on (1) above to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. Based on the 'Site Investigation Scheme' and the detailed risk assessment (2), an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

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

Note: Any changes to these components, (1) to (4) require the express written consent of the Local Planning Authority.

The scheme shall be implemented as approved above.

Reason: To protect the amenity of local residents in accordance with Policy QE DM4 of the Arun Local Plan. This condition is required to be pre-commencement to ensure any contamination on site is appropriately remediated prior to works commencing.

- 10 Prior to commencement of any construction work (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a Verification Report related to contaminated land demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of that 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. The report shall also include a 'long-term monitoring and maintenance plan' for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification report, and for the reporting of this in writing to the Local Planning Authority.

Reason: To protect the amenity of local residents in accordance with Policy QE DM4 of the Arun Local Plan. This condition is required to be pre-commencement to ensure any contamination on site is appropriately remediated prior to works commencing.

- 11 No commercial goods shall be loaded, unloaded, stored or otherwise handled and no vehicles shall arrive or depart, in relation to the commercial units hereby permitted, outside the hours 07:00 to 19:00 Monday to Friday, 08:00 to 18:00 Saturday or at any time on Sunday or Public 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.

- 12 Construction work shall not commence unless and until an impact assessment of the noise from the development on occupants of existing nearby residential properties and future occupants of the new residential properties has been completed and submitted to and approved in writing by the Local Planning Authority. The impact assessment shall include noise from deliveries and operation of the development and shall include a noise mitigation scheme. The assessment shall have regard to the principles of BS 4142:2014 and achieve a difference between the measured 'rating' level and the measured 'background' level of at least 5dB(A). A test to demonstrate compliance with the noise mitigation scheme shall then be undertaken by a competent acoustician / consultant before the use commences.

Reason: To protect the amenity of local residents in accordance with Policies QE SP1 and QE DM1 of the Arun Local Plan. This planning condition is required to be pre-commencement to ensure an assessment of noise impacts from development and measures to mitigate impacts are secured prior to works commencing.

- 13 Prior to the first use of the commercial premises hereby approved, details of any plant (including ventilation, refrigeration and air conditioning) and / or ducting system to be used and the method of control of noise and vibration of this plant shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The scheme shall ensure that the noise and vibration generated at the boundary of any noise sensitive property shall not exceed Noise Rating Curve: NR35 as defined within Table B.1: Noise Rating Values of BS 8233:2014. The equipment installed and commissioned shall be maintained in a condition and operated in compliance to the approved scheme whenever it is operation so that it does not exceed NR35 as described above, whenever it's operating. After installation of the approved plant, no new plant or ducting system shall be used without the prior written consent of the Local Planning Authority.

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

- 14 Prior to the commencement of development hereby approved, full details of the mitigation measures required in order to demonstrate that the internal noise levels within the residential units hereby permitted shall conform to the "Indoor ambient noise levels for dwellings" guideline values specific within Table 4 under section 7.7.2 of BS 8233:2014 shall be submitted and approved in writing by the Local Planning Authority.

Details shall be compiled by a competent acoustician on sound insulation and noise reduction for buildings. The scheme should take into account the correct number of air changes required for noise affected rooms and provide detail on the ventilation where this is required. The works specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the premises and be retained thereafter.

Reason: To protect the amenity of local residents in accordance with policy QE DM1 of the

Arun Local Plan. This is required to be a pre-commencement condition because the approved measures may need to be built into the fabric of the buildings.

- 15 Prior to the commencement of the development hereby approved, a scheme to demonstrate that the external noise levels within the curtilage of residential units hereby permitted will conform to the 'Design criteria for external noise' upper guideline value of 55 dB LAeq,T as specified within section 7.7.3.2 of BS 8233:2014 shall be submitted and approved in writing by the Local Planning Authority. The work specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the premises and be retained thereafter.

Reason: To protect the amenity of local residents in accordance with Policy QE DM1 of the Adopted Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to demonstrate that the external areas serving residential properties will have acceptable noise levels prior to the commencement of any construction works.

- 16 Prior to the commencement of the development hereby approved, details of the proposed external lighting scheme for the development shall be submitted to and approved in writing by the Local Planning Authority, before installation. Due to the relative proximity of existing residential premises there is the potential for the development to cause a loss of amenity as a result of light glare / creep / bleed. Light intrusion into residential windows shall not exceed 10 Lux between 07:00 and 21:00 hours and 5 Lux between 21:00 and 07:00 hours, measured as Vertical Illuminance (EV) normal to glazing. The Sky Glow (Upward Light Ratio) shall not exceed 5.0%. The details contained within the proposed external lighting scheme shall include the predictions of both horizontal illuminance across the site and vertical illuminance affecting immediately adjacent receptors. The lighting installation shall comply with the recommendations of the Institution of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Obtrusive Light" (GN01:2011). The lighting scheme for the site will need to take into consideration the presence of bats in the local area and the scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding.

Prior to installation of the lighting scheme the predicted illuminance levels shall be tested by a competent person to ensure that the illuminance levels agreed in the scheme are achieved. Should these levels be unable to be met, a report shall demonstrate what measures have been taken to reduce the levels to those agreed within the application scheme.

The approved installation shall be maintained and operated in accordance with the approved details.

Reason: To protect the amenity of local residents and protected species in accordance with Policies QE SP1, QE DM2 and ENV DM5 of the Arun Local Plan. This planning condition is required to be pre-commencement to ensure an assessment of light pollution impacts from development and measures to mitigate impacts are secured prior to works commencing.

- 17 Prior to the occupation of 700 sqm of net additional commercial floorspace (resulting in a total of 1,398 sqm across the site), the upgrades to the existing site access as shown on plan ITB14224-GA-010 must be completed. These upgrades shall be maintained as such at all times thereafter, unless otherwise agreed in writing with the Local Planning Authority or in the event that the existing access is closed pursuant to condition 18.

Reason: In the interests of highways safety, in accordance with the National Planning Policy Framework and Policies T SP1 and T DM1 of the Arun Local Plan.

- 18 Prior to the earlier of either:

- (a) the occupation of the first residential unit hereby permitted; or
- (b) the occupation of more than 700 sqm of net additional commercial floorspace hereby permitted (resulting in a total in excess of 1,398 sqm across the site)

the proposed new vehicular site access onto Chalcraft Lane shall be provided in full (such that it is capable of being used by the public and occupants of the development) in accordance with the details set out in the Site Access Arrangement drawing (ITB14224-GA-001 Rev F). Once provided, the new access shall be retained in working order at all times thereafter, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of highways safety, in accordance with the National Planning Policy Framework and Policies T SP1 and T DM1 of the Arun Local Plan.

19 Prior to the earlier of either:

- (a) the occupation of the first residential unit hereby permitted; or
- (b) the occupation of more than 700 sqm of net additional commercial floorspace hereby permitted (resulting in a total in excess of 1,398 sqm across the site); or
- (c) the completion of the new site access in accordance with condition 17

the existing vehicular site access onto Chalcraft Lane must be physically closed in accordance with details submitted and agreed in writing with the Local Planning Authority. Once closed the access shall remain closed in perpetuity.

Reason: In the interests of highways safety, in accordance with the NPPF and Policies T SP1 and T DM1 of the Arun Local Plan.

20 Prior to first occupation of the residential development and/or first use of the commercial premises hereby approved, whichever is the sooner, the recommendations set out in the Travel Plan Statement (reference DS/ITB14224-005 TN) must be implemented.

Reason: To encourage and promote sustainable transport, in accordance with Policy T DM1 of the Arun Local Plan, and the National Planning Policy Framework.

21 The submission of the reserved matters application (s) relating to layout shall provide details of the provision of public art on the development. Prior to the first occupation of the last market housing unit (permitted within any reserved matters permission), the agreed public art shall be installed. Thereafter, the permitted public art shall be retained in perpetuity.

Reason: In the interests of visual amenity and to secure a good quality of development, in accordance with Policies H SP2, D SP1 and D DM1 of the Arun Local Plan and the National Planning Policy Framework.

22 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 part of the development hereby approved 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.

- 23 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.

- 24 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.

- 25 Development shall not commence until details of the proposed means of foul sewerage disposal/drainage system (including details of its siting, design and subsequent management/maintenance) have been submitted to and approved in writing by the Local Planning Authority, in consultation with Southern Water. No dwelling or commercial premises 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 is satisfactorily drained and foul water appropriately disposed of 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 secure the details of the foul water drainage system prior to commencing any building works.

- 26 Prior to commencement of development hereby approved, the following documents must be submitted to and approved in writing by the Local Planning Authority: an Arboricultural Impact Assessment (AIA) to include a 'Tree Survey Schedule', a 'Root Protection Area (RPA) Schedule' and a 'Tree Constraints Plan', and an Arboricultural Method Statement (AMS) to include a Tree Protection Plan. The Tree Protection Plan shall comply with the recommendations of BS5837:2012. Prior to commencement of development, a buffer strip (of 5m) with protective fencing around the existing hedging must be installed and maintained in situ for the duration of the construction works.

Reason: To ensure adequate protection of trees and hedgerows on or near the site, in the interests of amenity and local wildlife including protected species, and in accordance with policies ENV 4 and ENV DM5 of the Arun Local Plan. It is necessary for this to be a pre-

commencement condition to ensure that trees and hedgerows and local wildlife are protected as necessary prior to construction works commencing.

- 27 If any works are proposed to the 2 no. trees identified as having bat roosting potential on plan ECO3 of the submitted Ecological Assessment (prepared by Ecology Solutions, dated July 2020), a detailed Bat Survey and Mitigation Strategy shall be undertaken (within 2 years prior to commencement of development), submitted to and approved in writing by the Local Planning Authority, and the approved Mitigation Strategy implemented prior to any works being undertaken on these trees.

Reason: To protect local wildlife and protected species, in accordance with the relevant legislation and policy ENV DM5 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to ensure adequate protection of wildlife and protected species is in place prior to commencing any construction works.

- 28 Prior to commencement of development, further details of mitigation measures to protect reptiles as required in the submitted Reptile Mitigation Strategy (prepared by Ecology Solutions, dated September 2020) shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To protect local wildlife and protected species, in accordance with the relevant legislation and policy ENV DM5 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to ensure adequate protection of wildlife and protected species is in place prior to commencing any construction works.

- 29 Any works to the trees or vegetation clearance on the site shall be undertaken outside of the bird breeding season which takes place between 1st March - 1st October. If works are required within this time a suitably qualified ecologist shall survey the site for the presence of birds prior to any works taking place (within 24 hours of any work).

Reason: To protect local wildlife and protected species, in accordance with the relevant legislation and policy ENV DM5 of the Arun Local Plan.

- 30 The development shall be undertaken in accordance with the mitigation measures outlined in the submitted Shadow Habitats Regulations Assessment (prepared by Ecology Solutions, dated July 2020).

Reason: To protect local wildlife and protected species and water quality, in accordance with the relevant legislation and policies ENV DM5 and W SP1 of the Arun Local Plan.

Note: The applicant's attention should be drawn to the individual timings required in respect of each mitigation measure detailed.

- 31 The Biodiversity Net Gains illustrated in the 'BNG Headline Results' and 'BNG Plan Illustrative' (dated October 2020) shall be achieved, and the biodiversity enhancements set out in the Ecological Assessment (prepared by Ecology Solutions, dated July 2020) shall be implemented. Prior to the commencement of development an annotated site plan (showing siting, scale and nature of proposed biodiversity enhancement measures) shall be submitted to and approved by the Local Planning Authority in writing.

The development shall thereafter be carried out in accordance these approved details and the biodiversity enhancements set out in the submitted Ecological Assessment (prepared by Ecology Solutions, dated July 2020).

Reason: To ensure the proposals would result in a Net Biodiversity Gain, in accordance with

the Environment Bill and policy ENV DM5 of the Arun Local Plan.

- 32 The submission of the reserved matters application (s) relating to layout and/or landscaping shall provide details of a LAP on the development. Prior to the occupation of the last market housing unit (permitted within any reserved matters permission), the agreed LAP shall be installed and available for use. Thereafter, the permitted LAP shall be retained in perpetuity.

Reason: In the interests of visual and residential amenity, including for the well-being of occupants, in accordance with Policies H SP2, D SP1, D DM1, and in the Arun District Council Supplementary Planning Document Open Space, Playing Pitches, Indoor and Build Sports Facilities, January 2020.

- 33 Prior to the commencement of development details showing the proposed location of one fire hydrant or stored water supply (in accordance with the West Sussex Fire and Rescue Guidance Notes) shall be submitted to and approved in writing by the Local Planning Authority, in consultation with West Sussex County Council's Fire and Rescue Service.

Prior to the first occupation of any dwelling/commercial premises forming part of the proposed development the developer will, at their own expense, install the fire hydrant in the approved location to BS 750 standards or stored water supply and arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting. The fire hydrant shall thereafter be maintained as part of the development by the water undertaker at the expense of the Fire and Rescue Service if adopted as part of the public mains supply (Fire Services Act 2004) or by the owner / occupier if the installation is retained as a private network.

Reason: In the interests of amenity and in accordance with policy INF SP1 and TSP1 of the Arun Local Plan and The Fire & Rescue Service Act 2004. This is required to be a pre-commencement condition because it is necessary to ensure details are secured of adequate fire safety for future occupants of the development prior to construction works commencing.

- 34 At least 10% of the total predicted energy requirements for major developments will be generated through renewable or low carbon energy generation on site making an allowance for a) the current energy efficiency standard and b) any additional energy efficiency measures (for example Fabric First) which achieves energy performance over and above the current energy efficient standard. The residual total predicted energy requirement will then be used to calculate a 10% contribution through renewable or low carbon energy generation. The Local Planning Authority will consider 'allowable solutions' where it is clearly demonstrated that the provision of on-site renewable or low carbon energy generation is unviable or not feasible and where the equivalent 10% energy savings can be demonstrated.

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 is commenced. The development shall be implemented in accordance with the approved details and timetable and will be 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. It is considered necessary for this to be a pre-commencement condition to ensure that the requisite infrastructure is designed into the housing development.

- 35 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 or commercial premises, the provision of the highest available headline speed of broadband service to that dwelling or commercial premises 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 and commercial premises 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.

- 36 Prior to commencement of development the applicant shall prepare and submit an Employment and Skills Plan to the Local Planning Authority for approval in writing. Following approval of the Employment and Skills Plan the developer will implement and promote the objectives of the approved plan.

Reason: In accordance with Policy SKILLS SP1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition as it relates to the construction phase of development and to ensure measures are in place so that local crafts people and apprentices are employed on the development.

- 37 The layout, scale and appearance details referred to in Condition 1 shall include details of any temporary sales areas that may be required during the construction and marketing of the development. Such details shall include any temporary buildings or temporary changes to buildings and any temporary change to the development layout. The approved details shall be for a temporary period only ending on or before the date that the last dwelling on the site has been sold. The buildings or area shall be returned to their approved permanent appearance within 3 months of the date of the last building sold.

Reason: In the interest of visual & residential amenity and the character/appearance of the surrounding area in accordance with policies D DM1 and QE SP1 of the Arun Local Plan.

- 38 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to contributions towards recreational impacts on the Pagham Harbour Special Protection Area, affordable housing provision, education, libraries, fire service, transport infrastructure, and healthcare provision and contributions.

- 39 INFORMATIVE: The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

- 40 INFORMATIVE: The applicant is advised that they must apply and obtain approval from West Sussex County Council, as Highway Authority, for all temporary directional signs to housing developments that are to be located on the highway. Further details of the process and how to apply are available here <https://www.westsussex.gov.uk/roads-and-travel/information-for-developers/temporarydevelopment-signs/#overview>

- 41 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.

- 42 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.
- 43 INFORMATIVE: If during construction works, it becomes apparent that implementation cannot be carried in accordance with previously agreed details any resubmission of the drainage design must be accompanied by an updated copy of the management manual.
- 44 INFORMATIVE: It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.
- 45 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read the New Connections Services Charging Arrangements documents which are available to read on the website via the following link <https://beta.southernwater.co.uk/infrastructurecharges>.
- 46 INFORMATIVE: As part of the Building Regulations 2004, adequate access for firefighting vehicles and equipment from the public highway to serve the development must be available and may require additional works on or off site, particularly in very large developments. Please refer to BS5588 Part B 5. For further information please contact the WSCC Fire and Rescue Service.
- 47 INFORMATIVE: The owner(s) of any commercial property (warehouses, offices, etc.) built before 2000 are legally obliged to hold a copy of an asbestos register for each property in their portfolio. As the proposed development is being renovated to residential, the Council need to be satisfied that if any asbestos previously identified is still present, it is either removed or suitably managed to minimise risk to human health as there is no safe threshold for asbestos exposure. A copy of the asbestos register, and any remedial strategy (where appropriate), must be provided in writing to the Local Planning Authority prior to any works commencing.
- 48 INFORMATIVE: This permission conveys consent under planning legislation only and contravention with other legislation (e.g. protection of wildlife and statutory nuisance etc.

should be considered).

- 49 INFORMATIVE: For any works that may affect a Protected Species, it will be necessary to obtain a mitigation licence from Natural England.
- 50 INFORMATIVE: The applicants attention is drawn to the individual timings set out in the Shadow Habitat Regulations Assessment required in respect of each mitigation measure detailed.
- 51 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.