

Recommendation Report for Planning Permission

REF NO: BE/84/19/PL

LOCATION: Site 6
Chichester Road
North Bersted

PROPOSAL: Erection of 7 No. dwellings (2 No. 2 bed & 5 No. 3 bed) with associated parking & landscaping.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	It is proposed to replace 4 x 3 bedroom and 1 x 4 bedroom homes originally approved under reserved matters application BE/8/09 with 5 x 3 bedroom and 2 x 2 bedroom homes on land denoted as "Phase 4c". This would result in an overall net gain of 2 homes above those already approved.
	Three houses will have the benefit of two car barn parking spaces, three will have a single garage (3m x 6m) with a parking space in front whilst the other house will just have two car parking spaces side by side. The scheme also shows three visitor spaces. A landscape scheme details the planting of trees and shrubs.
SITE AREA	0.3 hectares.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	23.3 dwellings per hectare.
TOPOGRAPHY	Predominantly flat but the site is slightly higher than the level of the B2259 Chichester Road.
TREES	None but there is a mature hedge along the south eastern boundary.
BOUNDARY TREATMENT	- Mature hedge in front of a close boarded fence to the SE boundary with 350 Chichester Road; and - 1.8m high close boarded fencing around the rear garden of the existing plot to the NW boundary.
	Otherwise open save for some instances of knee rail timber fencing.
SITE CHARACTERISTICS	The site is predominantly grassed with some existing landscaping and is crossed by an access road designated for construction vehicles. Existing single storey brick built electric substation to the rear (to be retained).
CHARACTER OF LOCALITY	The application site is located on the northern edge of North Bersted. The Site 6 development, now known as Bersted Park, forms an integrated extension to the urban area of North Bersted, accessed off Chichester Road. Phase 4c on Site 6

has existing residential development to the south and west; and phase 5 has the North Bersted Conservation Area to the south.

RELEVANT SITE HISTORY

BE/8/09/	Application for approval of reserved matters following outline approval BE/45/04 - Phase 4 & 5 of the Berkeley Homes Sector for 153 dwellings & open space areas, including sports pitches (This application affects a Public Right of Way)	ApproveConditionally 28-04-09
BE/45/04/	Outline Application for residential development comprising 650 residential dwellings, formal & informal public open space, including sports pitches, community facilities & associated works. Western section of the Bognor Regis North relief road between the A259 Chichester Road & Rowan Way (This application is accompanied by an environmental statement, affects a public right of way & the setting of a conservation area & constitutes a departure from the development plan)	NON DET APPEAL 19-11-04 Appeal: Allowed+Conditions 22-11-06

The original outline planning permission (BE/45/04/) was granted by the Secretary of State in November 2006 was for the construction of the western arm of the Bognor Regis Northern Relief Road, together with the erection of 650 dwellings, formal and informal public open space, including sports pitches, community facilities and associated works. Application BE/8/09/ then gave reserved matters approval for phases 4 and 5.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bersted Parish Council

"No objection"

In addition, three letters have been received from the occupier of 348 Chichester Road raising the following concerns:

- Failure of the applicant to address the substantial established landscape belt (hedge) on the west boundary of 350 Chichester Road which is critical in ensuring that the amenities of existing residential dwellings are preserved;
- This hedge should not be included within the curtilage of any property and should instead be maintained by the management company;
- Proposed construction compound next to 350 Chichester Road; and
- No internal tracking to demonstrate that a lorry can turn round on site.

COMMENTS ON REPRESENTATIONS RECEIVED:

The hedge in question is shown on the plans and is to remain in place as a natural buffer between the site and 350 Chichester Road. It is shown as being within the curtilage of new plot 336a which is acceptable given the large gap to the boundary such that the hedge will not interfere with the amenities of the new plot. It would also not be practical from a security standpoint to have a strip of separately owned land between two houses.

The applicant has also made the following points in response to the objector:

- It should be noted that the hedge as viewed from Chichester Road appears as though it remains the same thickness the whole length. However, it does in fact kink in and thin in places along the boundary;
- It would be extremely impracticable for the hedge not to be included within the curtilage of any property. Not only would this cause future management issues but it would also create a potential rat run and unattractive frontage to Chichester Road;
- It is perfectly natural for a hedge to form the boundary to a curtilage, as it does to the property adjoining the site;
- The location of the construction compound would not usually be a material consideration in the assessment of the application;
- However, the submitted CEMP very clearly notes that working hours would be restricted to normal working hours 08:00-18:00 Mon-Fri and 08:00-13:00 Sat. This is the same as for all preceding phases of the site; and
- The scheme and the layout has previously been tracked and assessed and WSCC Highways raise no objections.

CONSULTATIONS

Environmental Health
 Engineering Services Manager
 Engineers (Drainage)
 WSCC Strategic Planning
 Parks and Landscapes
 Southern Water Planning
 Arboriculturist

CONSULTATION RESPONSES RECEIVED:

SOUTHERN WATER - No objection subject to informatives.

WSCC HIGHWAYS - No objection subject to conditions to secure car and cycle parking. State that:

- The site is accessed via an estate road, which is currently unadopted and links to the wider Site 6 development;
- The nearest junction with public highway is with Chichester Road, B2259, subject to 30mph speed restriction in this location;
- There is no evidence that this junction has been operating unsafely and has previously been assessed as suitable in highway safety and capacity terms to serve the wider development;
- Access to the car parking spaces may require a crossover licence. However, considering the roads are not yet adopted this would be a matter to clarify with the Area Office at time of implementation;

- The principle of direct access in this location has been agreed with the previous scheme;
- There appears to be 2 x allocated spaces per dwelling, in the form of car barns, garages and external spaces;
- On this basis the WSCC Parking Demand Calculator envisions a total demand for 20 spaces, to include 6 x unallocated/visitor parking spaces;
- Two of the parking spaces for plot 338c have not been included within the red edge;
- The Local Planning Authority (LPA) may wish to ask for an amended red edge plan;
- 3 x visitor spaces have been included, whilst this is a shortfall in 3 x spaces the LHA are mindful of the accessible location in respect to utilising modes of transport other than the private car.
- Furthermore, there is visitor parking across the wider site and the LHA could not raise highway safety grounds to resist the application on this shortfall of 3 x spaces;
- The LHA acknowledge that facility to install car charging points will be provided and LPA may wish to condition details of this, to further promote sustainable transport; and
- Bicycle parking should be provided for each dwelling in secure and covered facility in line with WSCC guidance, with 1 space per 2-bedroom and 2 space per 3 bedroom dwelling, as a minimum.

ADC ENVIRONMENTAL HEALTH - No objection. Request conditions in respect of electric vehicle charge points, construction environmental management plan (CEMP), hours of working, indoor noise levels, lighting and contamination.

ADC TREE OFFICER - No comments received.

ADC DRAINAGE ENGINEERS - After having seen the approved drainage layout for site 6 and confirmation that it is to be adopted, advised no objections and no need for conditions. However, it then became clear that the drainage layout does not match the proposed layout therefore could not form part of the approval. The Engineer therefore requested that standard drainage condition PCENG2 be imposed.

ADC LANDSCAPE OFFICER - No comments received.

COMMENTS ON CONSULTATION RESPONSES:

In respect of the ENVIRONMENTAL HEALTH request for a CEMP, the applicant provided the same plan as was approved for BE/27/19/PL (approved under BE/76/19/DOC). However, Environmental Health Officers consider that this needs to be altered and have apologised for not reviewing the approved document more closely in relation to BE/76/19/DOC. They therefore advise that the condition should remain. The applicant has agreed to this.

POLICY CONTEXT

Designations applicable to site:

Within the Built Up Area Boundary;
Area of Special Control of Adverts
Pagham Harbour Zone B; and
TPO BE/1/07.

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards

DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
GISP1	GI SP1 Green Infrastructure and Development
HDM1	H DM1 Housing mix
HSP1	HSP1 Housing allocation the housing requirement
HWBSP1	HWB SP1 Health and Wellbeing
OSRDM1	Protection of open space,outdoor sport,comm& rec facilities
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
SDSP1A	SD SP1a Strategic Approach
TSP1	T SP1 Transport and Development
TDM1	T DM1 Sustainable Travel and Public Rights of Way
WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems

Bersted Neighbourhood Plan 2014 Policy EE6

Bersted Neighbourhood Plan 2014 Policy ES1	Communications infrastructure
Bersted Neighbourhood Plan 2014 Policy ES2	Design of new development
Bersted Neighbourhood Plan 2014 Policy ES5	Surface water management
Bersted Neighbourhood Plan 2014 Policy GA1	Building design
Bersted Neighbourhood Plan 2014 Policy GA3	Pedestrian and Cycle Connections
Bersted Neighbourhood Plan 2014 Policy HDQ2	Traffic calming and shared space features
Bersted Neighbourhood Plan 2014 Policy HDQ4	Integration of new housing
Bersted Neighbourhood Plan 2014 Policy HDQ5	Housing mix
Bersted Neighbourhood Plan 2014 Policy HDQ6	Design of new housing development
Bersted Neighbourhood Plan 2014 Policy HDQ7	Outdoor space
Bersted Neighbourhood Plan 2014 Policy HDQ8	Attention to detail
Bersted Neighbourhood Plan 2014 Policy HDQ8	Car parking

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's

Waste and Minerals Plans and Made Neighbourhood Development Plans.

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

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area.

The relevant policies of the Bersted Neighbourhood Development Plan are considered within this report.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality, the safety of local highways, the residential amenities of the existing nearby properties or upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE:

The site lies within the built up area boundary where development is acceptable in principle in accordance with policy SD SP2 of the Arun Local Plan (ALP) and provided it is in accordance with other policies of the Local Plan covering such issues as character/design, residential amenity, space standards and highway safety/parking.

Policy SD SP1 of the ALP states: "When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF)."

NPPF para 118(d) states "Planning policies and decisions should: promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing". Furthermore, para 123 states where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. Higher densities will be encouraged for city/town centres and other locations that are well served by public transport.

It is considered that the proposal is acceptable in principle given its location within the built up area boundary and within reasonable walking and cycling distance of a range of services, including passenger transport facilities. Whilst the private car would inevitably be required for some trips, future residents would have a realistic choice of transport options. Furthermore, the Council cannot currently demonstrate an NPPF compliant 5.3-year supply of housing land and therefore it is important to boost housing numbers within the district.

The proposal is in accordance with policies SD SP1 and SD SP2 of the Arun Local Plan and with the guidance in the NPPF on the efficient use of land.

HOUSING MIX:

ALP policy H DM1 states that the Council will seek a mix of dwelling types and sizes that adhere to the latest Homes and Communities Agency design guidance and the Council's most recent Strategic Housing Market Assessment (SHMA) recommendations. Tenure mix is to be negotiated on a case by case basis taking any necessary viability considerations into account.

The applicant states that due to the current housing market and the preference of buyers towards smaller dwellings, Berkeley Homes have reviewed the housing mix in the final stage of development on Site 6 (specifically on Phase 4c), which is currently weighted towards larger 4 bedroom properties. The applicant states that a mix of smaller properties is much more suited to the current market and would deliver more accessible local homes.

The Coastal West Sussex SHMA from 2012 outlined a typical mix for the District which shows a direction towards the provision of 2 and 3 bed units. Consequently, it is considered that the proposed housing mix in this application is SHMA compliant and the proposed housing mix is considered to be acceptable and in accordance with ALP policy H DM1.

CHARACTER AND DESIGN:

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

ALP policy D SP1 "Design" requires development to make an efficient use of land and also reflect local character. Paragraph 127 of the NPPF states that "Planning policies and decisions should ensure that developments: (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)." Para. 122 states that planning decisions should support development that makes efficient use of land but the desirability of maintaining an area's prevailing character and setting should be taken into account.

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

positively to the historic character of Bersted.

Policy HDQ2 states that "Proposals for new housing must ensure that the new homes are well connected to the surrounding area and visually integrated with their surroundings." Furthermore, HDQ5 requires that new housing is of a high quality and is designed to reflect the local character. Policy HDQ7 requires that certain 'add-on' features are integrated into the design at an early stage.

The proposed layout is considered to be appropriate having regard to the shape of the site and the fact that it fronts onto a main road. The proposed building line is staggered so as to respect the position of the existing dwellings either side. The layout features parking to the rear which is as per the existing situation with other dwellings within this part of the Site 6 development.

The proposed design of the houses is considered to be consistent with and respectful of the character of the existing parts of the wider development. The proposed mix of two storey semi- and detached houses is also consistent with the existing design and scale. As there are only a net increase of 2 dwellings, it is considered that the proposed new scheme would integrate well with the approved development at Bersted Park.

It is therefore considered that the scheme is acceptable in terms of layout, design & density and therefore in accordance with ALP policies D DM1 & D SP1 as well as policies ES1, HDQ2, HDQ5 and HDQ7 of the BNDP.

PARKING PROVISION:

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

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

BNDP policy HDQ8 requires a minimum of two spaces per dwelling. It states developments which removes off road parking spaces will not be supported unless alternative provision is made which increases or maintains the number of parking spaces.

Paragraph 108 of the NPPF states: "In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: (b) safe and suitable access to the site can be achieved for all users". Regard should be had to para 109 which states that: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

The first thing to note is that the Highway Authority raise no objections to the scheme or in principle to the intensification of this part of Bersted Park. Therefore, it is not considered possible to sustain a refusal on the grounds of highway safety.

In terms of parking, the scheme proposes 15 spaces within the red edge and this includes three visitor spaces. However, plot P338C's parking (two spaces) are outside of the red edge and therefore, in practice, there is actually 17 spaces and thus, all of the dwellings have 2 spaces each. It is not considered necessary to amend the red edge as it is in the interest of the developer to provide this dwelling with parking in order to make it attractive to new residents.

Two of the resident parking spaces are provided by garages and under the terms of the emerging Arun Parking Standards Supplementary Planning Document, garages only count as half a space. On this basis, the total provision is only 16 and this is 4 short of the anticipated demand as per the West Sussex Parking Demand Calculator.

However, this is considered to be acceptable as the site is sustainably located on a bus route and in walking/cycling distance to shops & services. Furthermore, conditions will be imposed to secure cycle storage and to prevent garages from being converted without planning permission. It should also be noted that the garages are detached and so will not lend themselves to future conversion. Lastly, there is visitor parking across the wider site and WSCC Highways do not consider they have grounds to resist the application due to this shortfall.

The scheme is in part in conflict with BNDP policy HDQ8 on the basis that two of the houses are served by garages and therefore only have 1.5 spaces each. However, the proposal is in accordance with policy T SP1 of the ALP and it is not considered that a refusal on grounds of conflict with HDQ8 could be sustained.

RESIDENTIAL AMENITY:

Policy D DM1 requires the Council have regard to certain aspects when considering development including having minimal impact to users and occupiers of nearby property and land. Policy D DM4 requires that extensions/alterations: sympathetically do not have an adverse overshadowing, overlooking or overbearing effect on neighbouring properties. Regard should be had to para 127 of the NPPF which states that developments should provide a high standard of residential amenity for existing and future users.

Policy QE SP1 states: "The Council requires that all development contributes positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity". There are no policies within the BNDP which refer to residential amenity issues.

The Council has no specific rules regarding the relationship between dwellings. The emerging Arun Design Guide proposes, for habitable rooms, a distance of 21m for back to back arrangements, 14m for back to side arrangements and 16m for front to front arrangements. There is no standard for flank to flank but side elevations do not tend to contain principal windows therefore a narrow gap is often acceptable.

The new dwellings will all be side on to each other. Furthermore, their rear elevations will be over 30m from the flanks of the existing dwellings to the north east. The relationship between plot 336a and 350 Chichester Road is also acceptable as there will be a gap of over 5m, no impact on a 45 degree splay drawn from 350's closest rear window and the existing hedge is to remain. A condition will be imposed to ensure that all proposed bathroom and toilet windows will be obscure glazed.

The proposal is therefore considered to be in accordance with ALP policies D DM1 and QE SP1.

INTERNAL & EXTERNAL SPACE STANDARDS:

Policy D DM2 states: "The planning authority will require internal spaces to be of an appropriate size to meet the requirements of all occupants and their changing needs. Nationally Described Space Standards will provide guidance". It is therefore necessary to assess the proposal against internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) to determine if the building is suitable for residential use.

The applicant has provided a schedule of floor sizes which suggests that only 5 out of the 7 dwellings comply with the space standards guidance. It is the 2 bed units that do not and have a shortfall of 7m² (338b) and 1m² (338c). However, regard is had to the fact that the house types are the same as those already approved within the wider development and it is not considered that a refusal on space standards alone could be sustained given the precedent established by existing nearby houses. It is also noted that policy D DM2 is clear that the national space standards are for guidance only.

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

The emerging Arun Design Guide proposes the following standards:

- Minimum 10.5m depth for private rear gardens;
- 50sqm area for two-bedroom homes and 60sqm for three or more bedroom homes (smaller gardens with adequate daylight and privacy may be acceptable in corner plots); and
- Minimum 2m deep private front garden.

The submitted layout plan includes rear garden space for all 7 of the proposed dwellings. However, only plots 336a & 336b have gardens over 10.5m deep. The other 5 are all around the 9.5m mark. In respect of the area in m² of the rear garden, only 5 out of the 7 gardens comply. Of the two that do not comply, plot 337b is 3m² short whilst plot 338b is 7m² short.

The latter is considered to be significant however it is no different to other existing house plots on the Bersted Park estate which were built at a time when there were no garden standards and therefore there is a clear precedent. On this basis, it is not considered that a refusal on these grounds could be sustained. Nevertheless, it is necessary to impose conditions removing permitted development rights for rear extensions and outbuildings on some of the smaller garden plots in order to safeguard the amount of private amenity space.

The proposal therefore complies with BNDP policy HDQ6, ALP policies D DM1 & D DM2 and with the guidance within the NPPF (para. 127).

PAGHAM HARBOUR:

ALP Policy ENV DM2 requires new residential developments within a 400m to 5km distance ('Zone B') of Pagham Harbour make a financial contribution towards the provision of accessible natural open green spaces to serve the area. A contribution of £1,275 per new residential unit was agreed by the Councils Cabinet on 20 July 2015. The Councils Cabinet subsequently approved a reduction in the tariff from £1,275 to £871 as of the 10th April 2017.

The site lies in designated Zone B and it was necessary to apply this requirement. On the basis of a net

gain of 2 dwellings, the contribution will be £1,742 and this is secured by the agreed Section 106 agreement. Therefore, there is no conflict with policy ENV DM2.

SUMMARY:

It is considered that this application is broadly acceptable having regard to the policies of the Arun Local Plan, the Bersted Neighbourhood Development Plan and the guidance within the National Planning Policy Framework. It is also highly material that development has already been approved on the site and that the site is wholly within a large modern housing estate.

The proposal represents an efficient use of urban land and does so without compromising the visual amenity of the area, the amenities of existing neighbouring residential occupiers or the safety of the public highway. Therefore, it is considered that this application should be approved subject to the conditions set out below and the agreed S.106 legal agreement covering a financial contribution towards the cost of delivering measures to avoid, or mitigate to an acceptable level, the harm caused to Pagham Harbour.

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

A contribution of £1742 towards the cost of delivering measures to avoid, or mitigate to an acceptable level, the harm caused to Pagham Harbour. To be paid upon the granting of the planning permission.

RECOMMENDATION

1 The development hereby permitted shall be begun before the expiration of 3 years from the

date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

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

S814/Ph4c/01 Rev A Phase 4c "Site Location Plan";
 PBAC JN283/5LP "Tree and Hedge Location Plan";
 S814/Ph4c/01 Rev G "Site Layout Phase 4c";
 L90-201 Rev A "Coloured Landscape Strategy";
 S814/Ph4R-P/P337B-C/02 Rev A "Plots 338B - 338C Plans";
 S814/Ph4R-P/P338B-C/01 Rev A "Plots 338B - 338C Plans";
 S814/Ph4R-P/P338A/01 Rev A "Plots 338A Floor Plans and Elevations";
 S814/Ph4R-P/P337A-B/02 Rev A "Plots 337A - 337B Elevations";
 S814/Ph4R-P/P337A-B/01 Rev A "Plots 337A 337B Floor Plans";
 S814/Ph4R-P/P336A-B/02 Rev A "Plots 336A-336B Elevations";
 S814/Ph4R-P/P336A-B/01 Rev A "Plots 336A - 336B Floor Plans";
 S814/Ph4R-P/SS/01 "Electric Sub Stations Plans & Elevations";
 S814/Ph4R-P/CB/02 "Car Barns 2 Plans & Elevations";
 S814/Ph4R-P/CB/01 Rev A "Car Barns 1 Plans & Elevations"; and
 S814/Ph4R-P/G/01 Rev A "Garages Plans and Elevation".

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

- 3 Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and winter Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage. No building 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.

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

- a. An indicative programme for carrying out of the works
- b. Details of the arrangements for public engagement / consultation both prior to and continued liaison during the construction works
- c. Measures to minimise the noise (including vibration) generated by the construction process

to include hours of work, proposed method of piling for foundations, the careful selection of plant and machinery and use of noise mitigation barrier(s)

d. Details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination

e. the parking of vehicles of site operatives and visitors

f. loading and unloading of plant and materials, including permitted times for deliveries

g. storage of plant and materials used in constructing the development

h. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate

i. the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulations Orders)

j. measures to control the emission of dust and dirt during construction

k. a scheme for recycling / disposing of waste resulting from demolition and construction works

i.e. no burning permitted

Reason: To protect the amenity of local residents in accordance with Policy QE SP1 of the Arun Local Plan. This has been requested by the Council's Environmental Health department and is required to be a pre-commencement condition because it is necessary to have the site set-up agreed prior to access by construction staff.

- 5 No development above damp proof course (DPC) level shall take place unless and until a scheme to demonstrate that the internal noise levels within the residential units will conform to the "Indoor ambient noise levels for dwellings" guideline values specified within Table 4 under section 7.7.2 of BS 8233:2014. Details compiled by a competent acoustician on sound insulation and noise reduction for buildings shall be submitted to and approved in writing by the Local Planning Authority. The scheme should take into account the correct number of air changes required for noise affected rooms. 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.

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

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity and character of the existing Site 6 development in accordance with policies D DM1 and D SP1 of the Arun Local Plan.

- 7 Before the buildings hereby permitted are occupied a dustbin enclosure or dustbin storage space shall be provided as part of the development in accordance with detailed drawings to be submitted to and approved in writing by the Local Planning Authority, such drawings to show the siting and design thereof. The approved bin storage enclosure or space shall thereafter be permanently retained.

Reason: To ensure that there is space within the site for the storage of waste in accordance with policy WM DM1 of the Arun Local Plan.

- 8 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority. The approved cycle stores shall thereafter be permanently

retained.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies and policy T SP1 of the Arun Local Plan.

- 9 No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide adequate on-site car parking for the development in accordance with policies D DM1 and T SP1 of the Arun Local Plan and paragraphs 108-110 of the NPPF.

- 10 Prior to occupation of any of the new dwellings, a scheme for the provision of facilities to enable the charging of electric vehicles to serve the approved dwellings shall be submitted to the local planning authority for approval and thereafter implemented in accordance with the approved details and the charge points shall thereafter be permanently retained and maintained in good working condition.

Reason: New petrol and diesel cars/vans will not be sold beyond 2040, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with policy QE DM3 (c) of the Arun Local Plan, the Arun District Council Electric Vehicle Infrastructure Study (November 2017) and the National Planning Policy Framework

- 11 The new dwellings shall not be occupied unless and until the applicant has submitted a scheme for approval by the Local Planning Authority to demonstrate that the new houses will incorporate decentralised, renewable and low carbon energy supply systems. The approved scheme shall thereafter be implemented prior to occupation of the dwellings and any approved renewable energy supply systems shall be permanently retained & maintained in good working order thereafter.

Reason: To ensure that the development is energy efficient and in accordance with policy ECC SP2 of the Arun Local Plan.

- 12 The garages associated with the dwellings shall be used as private domestic garages only and for no other purpose.

Reason: To ensure the provision of adequate off-street parking space in accordance with policies D DM1 and T SP1 of the Arun Local Plan.

- 13 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 works taking place on Sunday or Bank Holidays unless they are not audible outside of the application site.

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

- 14 No external lighting shall be installed until details have been submitted to, and approved in writing by the Local Planning Authority prior to the commencement of the development. This submission shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles). The approved scheme shall be installed, fully assessed by a competent individual when operational to ensure no light creep / bleed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

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

- 15 All proposed bathroom and toilet windows shall at all times be glazed with obscured glass or have a permanent obscure glazing film applied.

Reason: To protect the amenities and privacy of future occupiers in accordance with policy D DM1 of the Arun Local Plan.

- 16 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting this Order) no rear extensions to the plots of 336b, 337a, 337b, 338a, 338b or 338c shall be constructed or buildings shall be erected within the curtilage unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To safeguard the amount of private amenity space in accordance with policy D DM1 of the Arun Local Plan.

- 17 If during development, any visible contaminated or odorous material, (for example, asbestos containing material, stained soil, petrol / diesel / solvent odour, underground tanks or associated pipework) not previously identified, is found to be present at the site, no further development (unless otherwise expressly agreed in writing with the Local Planning Authority) shall be carried out until it has been fully investigated using suitably qualified independent consultant(s). The Local Planning Authority must be informed immediately of the nature and degree of the contamination present and a method statement detailing how the unsuspected contamination shall be dealt with must be prepared and submitted to the Local Planning Authority for approval in writing before being implemented. If no such contaminated material is identified during the development, a statement to this effect must be submitted 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.

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

- 19 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.

- 20 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to a contribution of £1742 towards the cost of delivering measures to avoid, or mitigate to an acceptable level, the harm caused to Pagham Harbour. To be paid upon the granting of the planning permission.
- 21 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 is available to read on the SW website via the following link <https://beta.southernwater.co.uk/infrastructurecharges>.
- 22 INFORMATIVE: The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received. For further information please contact the Environmental Health Department on 01903 737555.
- 23 INFORMATIVE: Southern Water request that the applicant note:

- No development or tree planting should be carried out within 3 metres either side of the external edge of the public gravity sewer without consent from Southern Water.
- No soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of a public sewers.
- All existing infrastructure should be protected during the course of construction works.

Southern Water state that they have restrictions on the proposed tree planting adjacent to Southern Water sewers, rising mains or water mains and any such proposed assets in the vicinity of existing planting. Reference should be made to Southern Water's publication "A Guide to Tree Planting near water Mains and Sewers" and Sewers for Adoption with regards to any landscaping proposals and their restrictions and maintenance of tree planting adjacent to sewers and rising mains and water mains. Furthermore, 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.