

Recommendation Report for Outline Consent

REF NO:	BE/87/21/OUT
LOCATION:	Nursery Fields Land to the North of Chalcraft Lane West Bersted PO21 5TS
PROPOSAL:	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 (resubmission following BE/148/20/OUT). This application affects a Public Right of Way.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Outline application with all matters reserved, except for site access, for the development of up to 225 residential units with associated infrastructure, open space and vehicular and pedestrian access. Land use, building heights, phasing and green infrastructure parameter plans have been submitted with the application. These parameter plans indicate the general siting and quantum of different land uses, maximum building heights, the general siting, quantum and type of green infrastructure, connections and density/timescales for the phases of development. An Illustrative Masterplan for the site has also been provided. This plan is an indicative layout only and detailed layout (along with scale, external appearance and landscaping) is a reserved matter. The site access proposed under this application would serve both the Chalcraft Nursery scheme (approved under BE/81/20/OUT), locally known as the Nursery Fields application site.
SITE AREA	13.46 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	16.6 dph
TOPOGRAPHY	The southern third of the site is predominantly flat with levels varying by only 0.5m. The northern two thirds of the site gently slope northwards with levels varying by up to 2.5m between the bottom and top parts of this section. There are ditches bordering the three parcels of land.
TREES	The site consists of three physical parcels of land which are bounded by hedgerows and trees.

BOUNDARY TREATMENT

There are made Tree Preservation Orders (TPOs) on a number of trees on the site. Full details of these trees protected by the Orders can be found on the Council's website and submitted documents.

The site is bounded by trees, hedgerows, ditches and some post and wire fencing.

SITE CHARACTERISTICS

The site comprises three parcels of agricultural land known as 'Nursery Fields', which are bounded by trees, hedgerows, ditches and some post and wire fencing. Pedestrian and agricultural access is afforded to these fields off Tara Perry Close.

Part of the site comprises Grade 2 Best and Most Versatile agricultural land. There are a number of made TPOs on and adjoining the site. PRow 136 passes through the centre of the site, and joins with PRow 134 and 137 to the west.

The site experiences winter ground water flooding and is within Flood Zone 1 (low risk). The site is within an Archaeological Notification Area for an Iron Age, Roman and Medieval Settlement Site at Bersted.

The site borders and wraps around the north and west of the Chalcraft Nurseries (horticultural nursery site) and is located to the west of Chalcraft Lane, Bersted. The site is within the Built-Up Area Boundary and forms part of the wider SD3 West Bersted Strategic Allocation. West Bersted (allocation SD3) was allocated in the Local Plan for at least 2,500 new dwellings, education, healthcare, community and commercial uses and open space.

CHARACTER OF LOCALITY

The site is located to the west of Bersted, on the northern outskirts of Bognor Regis. The land to the immediate north, west and south west of the site is agricultural in nature.

To the immediate north is a parcel of land off New Barn Lane which benefits from planning permission for 99 dwellings (LPA ref: BE/29/19/PL & BE/37/19/PL). These permissions are currently under construction. A further site for 50 dwellings is under construction (LPA ref: BE/77/16/OUT, BE/40/18/PL and BE/103/19/RES) on the north-eastern boundary of the site.

Also located to the north is the Jubilee Recreation Ground and Bersted Community Centre of Tara Perry Close. Chalcraft Nurseries is located to the immediate southeast of the site. The southern boundary of the site is bounded by Chalcraft Lane Cemetery.

Land to the east and south east is largely residential in nature. Residential dwellings and a Care Home are located immediately to the east of the site along Chalcraft Lane and

Tara Perry Close. The wider area to the south and east of the site is built up in nature.

Bognor Regis Town Centre and Railway Station are located approximately 2km to the south east of the site.

The nearest statutory designation to the site is the Bognor Reef Site of Special Scientific Interest (SSSI) located approximately 2km to the south of the site. The Solent and Dorset Coast Special Protection Area (SPA) is also located approximately 2km to the south of the site. The Pagham Harbour Ramsar/SPA/SSSI is located approximately 5km to the southwest of the site.

RELEVANT SITE HISTORY

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.	Refused 01-04-21
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BE/148/20/OUT

The application as determined under delegated powers by the Local Planning Authority and refused on the basis of 3 reasons. Reasons for refusal 2 and 3 resulted from no S106 agreement having been entered into at the time of the decision being taken.

Reason for refusal 1 comprised:

'Due to insufficient information, in the form of the relevant Transport Assessment to address off-site capacity requirements related to the specific allocation and the local road network, and due to a failure to demonstrate through an effective Transport Assessment that the transport effects of the development on the local highway network can be satisfactorily mitigated, the applicant has failed to demonstrate that the proposed development would not result in a severe cumulative residual impact on the road network... In addition, the application fails to sufficiently encourage the use of sustainable modes of transport.'

BE/81/20/OUT - Chalcraft Nursery Site

The application has granted planning permission for the access which is proposed under this consent. The access could be implemented under this planning permission. The access which is submitted as a Reserved Matter in this outline application duplicates the details and capacity of planning permission BE/81/20/OUT. This planning permission comprises an extant consent and has not yet been implemented.

REPRESENTATIONS

5 letters of objection were received throughout the public consultation period. These letters of detailed the following points:

- Access and traffic

- Increased car usage
- Local infrastructure
- Flooding
- Residential amenity
- Loss of greenfield land
- Air quality and the environment
- Watercourses and drainage ditches
- Ecology and biodiversity

2 letters of support were received throughout the public consultation period. These letters detailed the following points:

- Major benefit to existing residents is the proposed creation of the spine road
- Installation of toucan crossing is a welcome addition
- Masterplan is clear and Nursery Fields forms part of the whole picture
- Nearby residents will be able to connect to mains drainage
- Connections to main spine road will alleviate traffic along Chalcraft Lane

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted and considered in full in the subsequent sections of this report.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

BERSTED PARISH COUNCIL:

No objection subject to full comments set out on the application file.

BOGNOR REGIS TOWN COUNCIL:

Objection in relation to traffic generation, resulting in increased traffic movements arising from the proposed development.

SUSSEX POLICE:

No objection subject to contributions being secured as set out in full comments.

WSCC WATER AND ACCESS:

No objection subject to conditions set out in consultation response.

NATURAL ENGLAND:

No objection subject to appropriate mitigation measures being secured.

ARCHAEOLOGY ADVISOR:

Site likely to have potential impact on deposits of interest. No objection subject to conditions set out in consultation response in full.

WSCC HIGHWAYS:

Advice as set out in consultation response in full. The TA indicated a willingness to contribute towards Local Plan infrastructure. The current development would also be expected to proportionately contribute towards infrastructure identified to support the West of Bersted allocation.

WSSC LEAD LOCAL FLOOD AUTHORITY:

No objection.

HIGHWAYS ENGLAND:

No objection subject to the proposals providing a contribution of £102,131.10 secured towards the highways mitigations identified as part of the adopted Arun Local Plan.

ENVIRONMENTAL HEALTH:

No objection subject to imposition of conditions.

BOGNOR REGIS REGENERATION BOARD:

No objection subject to advice detailed in full consultation response.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to the site:

- Strategic Housing Allocation - West of Bersted (SD3)
- Built-Up Area Boundary
- Bersted Neighbourhood Plan
- Grade 2 (very good quality) Agricultural Land
- Archaeological Notification Area
- Tree Preservation Orders (TPOs)
- Pagham Harbour Zone B
- CIL Zone 1

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
ENVDM1	ENV DM1 Designated Sites of Biodiversity or geographical imp
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
HERDM3	HER DM3 Conservation Areas
HERDM6	HER DM6 Sites of Archaeological Interest
HERSP1	HER SP1 The Historic Environment
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
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

Bersted Neighbourhood Plan 2014 Policy ES1	Design of new development
Bersted Neighbourhood Plan 2014 Policy ES2	Surface water management
Bersted Neighbourhood Plan 2014 Policy ES4	Buildings and structures of character
Bersted Neighbourhood Plan 2014 Policy ES5	Building design
Bersted Neighbourhood Plan 2014 Policy ES6	Protection of trees
Bersted Neighbourhood Plan 2014 Policy ES7	Development outside of the Built Up Area Boundary
Bersted Neighbourhood Plan 2014 Policy GA1	Pedestrian and Cycle Connections
Bersted Neighbourhood Plan 2014 Policy HDQ2	Integration of new housing
Bersted Neighbourhood Plan 2014 Policy HDQ4	Housing mix
Bersted Neighbourhood Plan 2014 Policy HDQ5	Design of new housing development
Bersted Neighbourhood Plan 2014 Policy HDQ7	Attention to detail

PLANNING POLICY GUIDANCE:

NPPDG	National Design Guide
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
SPD12	Open Space, Playing Pitches & Indoor & Built Sports Facilities

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 South Marine Plan is also a plan to be considered in the determination of applications within Arun District, where relevant.

The policies contained within the Bersted Neighbourhood Plan are relevant in the determination of this planning application.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 70(2) of the Town and Country Planning Act 1990 provides that:

'(2) In dealing with an application for planning permission the Authority shall have regard to:

- (a) the provisions of the Development Plan, so far as material to the application, (aza) a post-examination draft neighbourhood development plan, so far as material to the application;
- (b) any local finance considerations, so far as material to the application; and
- (c) any other material considerations'

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 not considered to accord with the Development Plan policies relating to a strategic led approach and impacts upon highways. Material considerations have been highlighted in relation to finance considerations and delivery of the strategic development site. For the reasons set out in full in the following sections of this report, these other material and financial considerations do not outweigh the discordance with the Development Plan policies.

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). However, when weighed against the Development Plan policies, these are not considered of sufficient weight to warrant the grant of planning permission. These matters are detailed in full in the Conclusions section of this report.

CONCLUSIONS

The main issues in the determination of this application comprise:

- Principle of a residential led development of up to 225 dwellings;
- Impacts on the capacity, safety and operation of the highways network;
- Place-making objectives which allow for the entire strategic allocation to be comprehensively planned in accordance with the endorsed Framework Masterplan;
- Impacts on the Integrity of the European Protected Site (Pagham Harbour SPA/Ramsar)
- Inclusion of self-build, custom-build and gypsy and traveller provision
- Securing of infrastructure including affordable housing provision
- Drainage, trees, ecology, landscape, visual and residential amenity and heritage

The application site falls within the West Bersted Strategic Allocation. All applications falling within this allocation are subject to the ongoing engagement with the West Bersted Advisory Group; made up of key

local stakeholders and Councillors who have an interest in the delivery of the site. The applicants have not appeared at these meetings in respect of this specific application as part of the ongoing delivery of the West Bersted Strategic development site.

PRINCIPLE:

The application proposes the development of the site referred to as 'Nursery Fields' for up to 225 dwellings, with associated access, infrastructure and open space.

Policy ES7 of the Bersted Neighbourhood Development Plan (BNDP) states that development outside of the built-up area boundary will not be supported. The site is shown as countryside, outside of the built-up area boundary, within the BNDP.

The Arun Local Plan was adopted in July 2018 and post-dates the BNDP which was made in 2014. The Local Plan Proposals Map shows the site as being within the built-up area boundary. Local Plan Policy H SP2a allocates the land West of Bersted (SD3), for a strategic housing allocation which should deliver at least 2,500 dwellings throughout the Local Plan period. The site falls within this wider SD3 allocation.

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'.

This requirement is reiterated in NPPG Paragraph: 099 Reference ID: 41-99-20190509.

The Local Plan post-dates the BNDP and therefore the conflict between BNDP ES7 and ALP H SP2a is resolved in favour of H SP2a. The provision of up to 225 dwellings on the application site would contribute to the provision of the 2,500 homes on the West of Bersted strategic allocation, in accordance with Policy H SP2a. Therefore, the development of this site for residential purposes is acceptable in principle, subject to certain criteria being met.

Policy H SP2 (ALP) requires development proposals within the Strategic Site Allocations to be comprehensively planned and have regard to a master plan endorsed by the Council. Policy H SP2 sets out a 17 point criteria (a-q) for the design and infrastructure requirements for Strategic Site allocations.

The West of Bersted (WEB) Framework Masterplan was endorsed by the Council in September 2020 and provides high level development principles for the Strategic allocation which have been endorsed by the Council. The following sections of this report assess the development against the criteria contained within the strategic policy in the Local Plan.

The site consists of Grade 2 (very good quality) Agricultural Land. Policy SO DM1 (ALP) states that any form of development not associated with agriculture, horticulture or forestry will not be permitted on Grade 1, 2 and 3a land. Policy SO DM1 sets out criteria when this is not required which includes when land is designated by the Local Plan or Neighbourhood Development Plan. Given the SD3 allocation this release criteria is fulfilled.

On the basis of the above, Policies H SP2a and H SP1 of the Arun Local Plan support the proposed residential development of the site, in principle, subject to a full assessment of impacts set out below.

AFFORDABLE HOUSING PROVISION:

Policy AH SP2 (ALP) requires 30% of units on sites of 11 units or above to deliver on-site affordable housing. Policy AH SP2 requires this 30% provision to comprise 75% social rented and 25%

intermediate housing.

The application proposes the provision of 67 affordable units (305) with a tenure split of 75% social rented and 25% intermediate housing. The provision comprises the following mix:

1 & 2 bed flats: 49%
2 bed houses: 27%
3 bed houses: 24%

As the applicants and Local Planning Authority have been unable to conclude the S106 Agreement on other matters, there currently exists no mechanism to secure the delivery of Affordable Housing. Therefore, the development fails to accord with Policy AH SP2 of the Arun Local Plan and Policy HDQ4 of the Bersted Neighbourhood Development Plan.

SELF-BUILD & CUSTOM BUILD PROVISION:

Policy H DM1 (ALP) requires developments to secure self-build and custom build plots as part of the delivery of Strategic Development sites. Principle SDP 6 of the endorsed Framework Masterplan reflects this requirement.

The submission and according S106 agreement makes the provision of 5% of the total number of units as self-build housing. On this specific site this equates to c. 11 units. Set against the Council's current self-build housing register which includes 40 entries. This includes a mix of groups and individuals. The delivery of 1/4 of the Council's present requirement attracts significant weight in the assessment of this application. Such provision is secured through the corresponding S106 agreement.

As the applicants and Local Planning Authority have been unable to conclude the S106 Agreement on other matters, there currently exists no mechanism to secure the delivery of self-build housing. Therefore, the development fails to accord with Policy H DM1 and H SP2 of the Arun Local Plan and Principle SDP 6 of the endorsed Framework Masterplan.

GYPSY AND TRAVELLER PROVISION:

Policies H SP2 and H SP5 (ALP) seek to secure gypsy and traveller accommodation in new developments, including on the provision of Strategic Development sites.

The applicant's supporting Planning Statement details why such provision is deemed to be inappropriate on the delivery of the Strategic Site.

Whilst the site does not secure such provision, the Council concludes that the level of harm deriving from this lack of accordance with the Local Plan to not be overriding in this instance.

DESIGN:

The application is outline in nature and therefore matters relating to the detailed design will be considered in subsequent Reserved Matters applications. However, the submission demonstrates that the total quantum of up to 225 units could be accommodated on the site.

The application is supported by a series of parameter plans which seek approval in order to shape the subsequent detailed design. These parameters plans relate to access, land uses, green infrastructure and building heights.

The illustrative masterplan which has been submitted demonstrates that the parameters plans could result in a layout, at Reserved Matters stages, that would accord with the endorsed Framework Masterplan.

The Land Use and Access Parameters plan details an access point onto Chalcraft Lane which aligns with the indicative layout showing the endorsed Framework Masterplan. The Access Parameters Plan also indicates the ability to create a latter vehicular link to adjacent land to the north west, within the endorsed Framework Masterplan. However, there is no commitment to delivering this link within the proposed Parameters Plans. The Local Planning Authority considers such a link to be required and any reserved matters applications should deliver such links. Such links are required for a plethora of purposes including, but not limited to, wider permeability, traffic flows, deliveries, those with impaired mobility access, access to local centres, schooling facilities etc...

The plans show a large distance of Open Space situated between parcels of residential development at the adjacent Jubilee Playing Field to the north east. This would create an acceptable relationship between new development and the existing designated Open Space; subject to acceptable details coming forward at Reserved Matters stage. The Land Use and Access plan also provides for a buffer situated along the eastern boundary of the site which abuts existing residential development. This would provide for an opportunity to ensure visual screening for the adjacent properties. Such details could be secured at Reserved Matters stage. Therefore, the access plans are considered acceptable.

The Building Heights Parameters plan details a combination of 2.5 - 3 storey dwellings, with taller dwellings situated along the central access road and fronting the landscaped open space. 2 storey residential development (up to 9m to ridge) would be featured upon the boundary to the eastern portion of the site, where new development will abut existing residential development. Such an interface could include further measures to safeguard amenity through the submission of Reserved Matters application. The National Planning Policy Framework requires development to make an efficient and effective use of sites allocated in Development Plans for residential purposes. The building heights would deliver these national objectives. Therefore, the building heights plans are considered acceptable.

The Green Infrastructure Plan details areas which would come forward for development in latter Reserved Matters applications and areas which will come forward as Open Space. Following extensive pre-application discussions with Officers at the Council, it was concluded that Amenity Green and Parks/Gardens would be situated towards the western portion of the site. Within this area will be a cluster of forms of Open Space including a combined Locally Equipped Area of Play (LEAP) and NEAP Neighbourhood Equipped Area of Play. This area would also allow for the provision of an orchard which would be located along existing public footpath junctions. The provision of this form of amenity space, in the context of the overall Strategic Allocation, attracts significant weight. Following the July 2021 updates to the National Planning Policy Framework, there is a requirement placed upon new developments to ensure that planning decisions should ensure that new streets are tree lined and that opportunities are taken to incorporate trees elsewhere in developments (paragraph 131). The proposed parameters plans appear to allow for such tree planting within the developable areas, adjacent to the primary vehicle routes, to deliver these requirements at Reserved Matters stages. Therefore, the Green Infrastructure Parameter Plan is considered acceptable.

The Phasing plan details the delivery of 225 units across four distinct phases. Phase 1 provides 65 - 70 units, phase 2 provides 60-75 units, phase 3 provides 55 - 60 units and phase 4 provides 40 - 45 units. Development would start nearest Chalcraft Lane and then work outwards in both an eastern and western direction. This phasing makes the assumption that construction traffic would route from Chalcraft Lane which would comprise the logical arrangement. Whilst the Council would prefer for a lesser number of phases to assist with delivery, the Council is unable to control the build out rates. Therefore, amending the submitted Phasing plan would not necessarily equate to a faster build out. The submitting Phasing does, however, reflect the NPPF's contents which recognises that small sites can be built out relatively quickly and the submitted phasing would allow for a range of developers to bring forward units relatively quickly. This attracts great weight owing to the Council's current 5 year Housing Land Supply position

set out above.

The submitted parameters plans reflect the concept of the three 'green fingers' which is integral to the endorsed Framework Masterplan. These provide strong green corridors/connections which align with the Framework Masterplan, and support the wider green infrastructure and Active Travel aspirations of the Council. Given the Council's Active Travel Study has been supported by the Council as a material consideration, the provision of the green fingers concept within the parameters plan attracts significant weight.

On the basis of the above, the parameters plans would allow for an adequate layout to be achieved at Reserved Matters stage that aligns with the endorsed Framework Masterplan. The development therefore accords with Policies D SP1, D DM1 and LAN DM1 of the Arun Local Plan and Policies ES1, HDQ2, HDQ5, HDQ7 and GA1 of the Bersted Neighbourhood Development Plan and Arun District Council Design SPD.

HERITAGE:

Paragraph 194 (NPPF) requires applicants to identify and assess the significance of any heritage assets affected by a proposed development. A Heritage Statement accompanies the submission. There are 9 designated heritage assets, including Bersted Conservation Area, and 2 non-designated heritage assets, located within 1km of the application site.

Paragraph 199 (NPPF) states that when considering the impact of a proposed development, the impact on the significance of a designated heritage asset should be given 'great weight' to the asset's conservation.

Save for Morells Farmhouse, all other identified 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 does not compromise the settings of any of these heritage assets and would not harm their significance.

With regards to Morells Farmhouse (grade II listed), the Council's Conservation Officer has confirmed that the setting is predominantly focussed on the front elevation of the building, which is experienced by the approach along the Lower Bognor Road, and the setting also consists the side and rear elevations experienced from within the farmstead itself.

The application site is screened by vegetation from the immediate setting of the farmstead and the proposed development would retain planting along the southern and western boundaries which would help to reduce its visibility within the setting of the farmhouse.

The Conservation Officer concludes that a key part of how the setting of this grade II listed building is experienced is along the Lower Bognor Road. The presence of the mature vegetative screening means there is no visual relationship between the listed building and the application site.

The LPA therefore concludes, on the basis of the Heritage Statement submitted and the Council's Conservation Officer's comments, that the proposed development would not affect the setting or significance of the Grade II listed Morells Farmhouse.

The LPA considers that the above assessment has fulfilled the Council's statutory duty in regard to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which concluded the setting of the listed building would be preserved.

On the basis of the above, the development would preserve the setting of the nationally and locally listed buildings and the adjacent Conservation Areas, in accordance with the NPPF provisions, Policies HER DM1, HER DM2 and HER DM3 of the Arun Local Plan and Policies ES4 and ES5 of the Bersted Neighbourhood Development Plan.

ARCHAEOLOGY:

The site is located in an Archaeological Notification Area. A Historic Environment Desk-Based Assessment has been submitted with the application. The Council's Archaeological Advisor has confirmed that they agree with the conclusions of the Assessment with regard to the archaeological potential and significance of the site and its recommendation that the archaeological interest of any remains that may be present could be secured by a staged programme of archaeological works.

The Council's Archaeological Advisory recommends a planning condition be imposed to secure the implementation of a programme of archaeological works in accordance with a written scheme of investigation to be submitted to and approved in writing by the LPA.

Subject to a planning condition securing an investigation and programme of archaeological works, the proposals would preserve the archaeological interest of the site, in accordance with Policy HER DM6 of the Arun Local Plan.

RESIDENTIAL AMENITY:

Details relating to residential amenity will be able to be assessed in full at Reserved Matters stage. However, it is appropriate at outline stage to assess whether the parameters plans would allow for subsequent Reserved Matters to come forward with acceptable impacts on the amenity of existing occupants in the area.

The Land Use and Green Infrastructure Parameter Plans indicate a green landscape buffer between the new access road and the southern boundary of the site, adjoining Chalcraft Cemetery. There is also an existing field area of green buffer which sits between the site boundary to the south west and Chalcraft Cemetery. Buffer planting is also shown on the Parameter Plans between the north west boundary of the Cemetery land and the new site access road and residential development on the application site. The proposed enhanced landscaped buffers, which will include reinforcement to the existing tree cover along the site boundary, would safeguard the quiet tranquillity of this neighbouring public space of the Cemetery. Details of this landscaping would be secured at Reserved Matters stage.

The proposed site access would be re-located away from no. 92 Chalcraft Lane and closer to no. 98. However, the Parameter Plans confirm 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. Details of the landscaping, boundary treatments and materials for the new access road would be secured at Reserved Matters and discharge of condition stages.

Development has recently been permitted on land to the south east of the application site on land referred to as Chalcraft Nurseries (BE/81/20/OUT). The Parameter Plans show the new development parcels closest to the Chalcraft Nursery site as being set back from the boundary with landscaped buffer. The proposed new commercial buildings on the Chalcraft Nursery site are permitted in outline for up to 6m and 11m in height. A number of planning conditions have been applied to the Chalcraft Nursery permission to control the nature of the commercial activities to ensure achieve acceptable levels of amenity. On this basis, the use of considered boundary treatments and detailed siting and design of new development, could ensure an acceptable relationship is able to result.

All new dwellings that come forward with Reserved Matters applications will need to comply with the national described space standards as set out in the National Technical Housing Standards 2015. Dwellings will also need to accord with the Council's external amenity standards set out in the Arun District Council Design Guide SPD 2020. Accordance with these standards will ensure appropriate living accommodation and external amenity for future occupants of the development.

Policy D DM1 of the Arun Local Plan and Policy HDQ4 of the Bersted Neighbourhood Development Plan requires a proportion of homes to meet Lifetime Homes Standards to accommodate for changing needs of occupants. These matters can be secured through the imposition of a condition requiring a minimum of 30% of residential units at Reserved Matters stage to comprise an appropriate mix of M4(2) and M4(3) accessible and adaptable house types.

On the basis of the above, the development will result in acceptable levels of residential amenity in accordance with Policies D DM1, QE SP1, QE DM1, QE DM2 and QE DM3 of the Arun Local Plan and paragraph 127 of the National Planning Policy Framework.

HIGHWAYS, TRANSPORT AND INFRASTRUCTURE DELIVERY:

Policy INF SP1 (ALP) requires development proposals to be supported 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 (ALP) requires that Strategic Allocation sites provide for the required infrastructure that relates to that particular allocation and address the off-site capacity requirements that relate to that particular allocation, identified in the Arun Transport Assessment (2016 and update 2017 taking into account relevant assessments) and the local highway network.

The applicants acknowledge that their development comprises 9% of the total dwelling yield of the West Bersted development site. The applicants are coming forward in advance of the wider West Bersted submission as an earlier phase. The Local Planning Authority considers the early delivery of an allocated Strategic Development site as a positive public benefit that attracts weight. However, the caveat to early delivery is that it must not stand alone from the wider strategic allocation. This is made clear as a policy requirement under Policy H SP2 of the Local Plan. This applies equally to both the placemaking principles (which this development integrates successfully with), but also in terms of infrastructure provision. Again, this is reiterated as a policy requirement within the adopted Local Plan.

The proportionate contribution towards infrastructure delivery for the strategic allocation based on the site comprising 9% (225 units) of the total 2,500 units across the West Bersted Strategic Allocation has been informally agreed between all developers. Such an approach was accepted between all parties in the case of the Chalcraft Nurseries site (which was approved under application BE/81/20/OUT), where the corresponding S106 reflected this approach. Similarly, this proportionate approach is also supported in the Draft S106 Agreement submitted in support of the application across most infrastructure items.

Further, this approach is consistent with that detailed in the draft Memorandum of Understanding which has been circulated amongst the parties involved with the delivery of the allocation. The applicants have confirmed in written correspondence with the Council that they do not consider it necessary to further engage with the draft Memorandum of Understanding, given their application is now coming forward.

The main reason for refusal in respect of BE/148/20/OUT centred around the site failing to make a contribution towards the spine road which is policy requirement under Policy H SP2a of the adopted Local Plan. This matter was independently assessed by Transport Consultants instructed by Arun

District Council. The conclusions were that this site should make a 9% contribution towards the spine road cost. This application comprises a duplicate submission and therefore the conclusions of these findings remain relevant and attract significant weight.

Policy H SP2a(e) requires development to 'provide a road/pedestrian/cycle link between the A259 and Chalcraft Lane including facilitating the cycle route to Pagham and enhancing the A259 cycle route'. In short, such a connection has been designed as the 'Spine Road' within the endorsed Framework Masterplan.

The Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019 set out the three tests which have to be met for any contributions made via S106 to be made lawful (Regulation 122). These test comprise:

- Necessary: to make the development acceptable in planning terms
- Directly Related: to the development
- Fairly and Reasonably Related in Scale and Kind: to the development

The applicants acquired an interest when submitting BE/81/20/OUT to allow for vehicular traffic to enter and exit onto Chalcraft Lane. The proposed development utilises this existing access onto Chalcraft Lane.

The applicant's Transport Assessment details that sufficient capacity exists within the existing road network to take their additional transport demands created. It negates the fact that the site falls within part of a wider strategic allocation. The approach of apportioning out infrastructure costs is a principle established within the applicants adjacent development site, referred to as Chalcraft Nurseries.

The approach taken in the Transport Assessment assumes that the application site operates in transport terms, as a windfall site, on its own. However, in all other terms (as set out in the Draft S106 Agreement - including the principle of development), the development operates as part of the wider strategic allocation.

The harm that arises from the applicants not making a fair and proportionate contribution towards 9% of the spine road costs is that the delivery of the spine road then has to be borne by the other developers on the site. The effect of this is that it implicates upon both phasing and timely delivery of the strategic allocation site.

The slower delivery of the spine road means that additional capacity within the local highways network cannot be released in a timely manner. Therefore, the proposed development will bring most local junctions up to capacity in the short term. Thereafter, additional capacity can only be released, once the delivery of the spine road has taken place.

Given the funding shortfall, these junction capacities will be at full capacity for a longer period of time., implicating upon delays on the local road network. In turn, this will prevent other developments from coming forward in the nearby area until the delivery of the spine road has taken place.

There are no overriding material considerations submitted that would warrant such an approach being either overriding or within the public interest.

The requirements of Policy H SP2a(e) make clear that a road connection is required. Further, the applicants did not raise any objection within the Masterplanning process to the provision of such road, in the context of testing this site specific policy when going through the Local Plan process.

Within the application period, the applicants had put forward a without prejudice offer of £145,000 which would fall away should planning permission not be forthcoming.

The indicative costs of the spine road (currently being verified by WSCC), have been provided to the applicants in the interests of transparency. The calculation of the £145,000 offer was based on the difference between the spine road being required for access and for additional capacity. The difference between these two purposes comprises 15% of the cost of the overall spine road. In monetary terms this equates to c. £1.6m. The application site comprises 9% of the strategic allocation. The applicants have therefore proposed a contribution of £145,000 towards the improvement of off-site highways works at the spine road, based on this rationale.

Any contributions must comply with Regulation 122 of the Community Infrastructure Levy Regulations. In this instance, the shortfall in funding fails to comply with the 'fairly related in scale and kind' test.

As identified above, any shortfall in funding for the spine road implicates directly on the pace of delivery of the spine road, which releases capacity of local nearby junctions, which allows for delivery of other housing within the District. This matter is confirmed by the Council's independent Transport Consultants in the assessment of BE/81/20/OUT and is further corroborated by third party representations by qualified Transport Consultants. The delivery of housing and junction capacities is a material consideration and one that is given substantial and overriding weight in this instance.

Whilst the Local Planning Authority acknowledge the comments received from the Local Highway Authority, this position was reviewed within application BE/81/20/OUT by an Independent Transport Consultant. The position of the applicants remains the same. The advice received from the Council's independent Transport Consultant considered that a paragraph 109 impact would result, in the long term, due to junction capacity being reached and delays being incurred in the delivery of the spine road. The comments received from the Local Highway Authority are silent on this matter. They do make clear that:

'Whilst WSCC are satisfied that the strategic modelling undertaken to support the Local Plan adequately identifies the capacity impacts on the strategic road network, given the site forms part of the wider allocation, the Local Planning Authority may wish to give further consideration to the wider implications of the proposals in connection with the site allocation policy and master plan. This will then ensure that permitting the current scheme would not prejudice the delivery of the wider development by cumulatively resulting in severe impacts on the highways network contrary to para 109 of the NPPF, the Local Plan allocation policy and the WB Masterplan.'

The comments received from the Local Highway Authority also make clear that:

'the current development would also be expected to proportionately contribute towards that infrastructure identified to support the West of Bersted allocation.'

In this instance, the absence of sufficient infrastructure contributions will prejudice the delivery of the spine road which is identified within the adopted strategic allocation policy, which is then likely to result in longer term severe impacts on the highways network until the delivery of the spine road is fully realised.

On the basis of the above, the development fails to achieve a masterplan led approach and fails to secure the necessary infrastructure. Therefore, the development fails to accord with Policies INF SP1, H SP2 and H SP2a of the Arun Local Plan.

FLOOD RISK & DRAINAGE: SURFACE WATER DRAINAGE

The site falls within Flood Zone 1 (lowest possible risk of flooding) as identified by the Environment

Agency. The site comprises an area greater than 1 hectare and therefore a Flood Risk Assessment has been submitted in accordance with the NPPF triggers and Local Plan Policy W DM2. A Sequential Test was undertaken at Local Plan stage and is therefore not required at application stage.

A detailed Flood Risk Assessment will be required to accompany any Reserved Matters stage to comprehensively set out any flood mitigation measures once the detailed layout of development is known.

Mapping shows the site as high risk of groundwater flooding and the ground water table is known to be high which limits being able to utilise infiltration as a means of surface water drainage.

The Drainage Strategy for the wider West Bersted Strategic Allocation site, as set out in the endorsed Framework Masterplan, relies on a series of retention and attenuation basins which control discharge flows by natural and manmade features into the existing drainage ditches (rifes) on site.

The SUDs strategy for the application site consists a series of attenuation ponds, with restricted discharges to the existing watercourses on site. This strategy aligns with the overall SUDS strategy for the wider strategic site. Roadside SUDs features (perforates pipes, planters, swales) and basins would provide acceptable treatment to water run-off before disposal into local watercourses.

The Council's Drainage Engineers has confirmed that although surface water drainage is going to rely on restricted discharge to existing watercourses, ground water infiltration should be used wherever possible. Their response recommends planning conditions to secure full details of the surface water drainage scheme (based on winter groundwater monitoring and infiltration testing) and which covers the whole application site.

Subject to the conditions set out in the Council's Drainage Engineer's response, the surface water strategy accords with Policies W DM3, H SP2 and SP2a of the Arun Local Plan and Policies ES2 of the Bersted Neighbourhood Development Plan.

FOUL WATER DISPOSAL

The consultation response from Southern Water indicates there is currently insufficient capacity within the existing sewage network to serve the new development. They have confirmed that an initial desk-top study indicates that there is an increased risk of flooding unless sewage network reinforcement is provided by Southern Water (and Portsmouth Water).

Any such network reinforcement is part funded through Southern Water's New Infrastructure Charge to the developer with the remainder funded through Southern Water's Capital Works Programme (also undertaken by Portsmouth Water).

The imposition of conditions restricting occupations of units until confirmation has been provided in writing to the Local Planning Authority that sufficient capacity exists, will ensure that no impacts upon the sewage network will result.

Subject to these conditions, the development would accord with Policies W DM2, W DM3, H SP2 and H SP2a of the Arun Local Plan and Policy ES2 of the Bersted Neighbourhood Development Plan.

TREES:

The site consists of three parcels which are bounded by hedgerows and trees. There are a number of mature trees along the existing field boundaries on the site that contribute to amenity value and are the subject of made Tree Preservation Orders (TPOs). There are also two made TPOs on the site boundaries on the adjacent site at Chalcraft Nurseries.

A Preliminary Arboricultural Impact Assessment has been submitted with the application. The Council's Tree Officer has confirmed the principle of development, proposed site access and overarching layout sought under the submitted Parameters Plans, is achievable without undue detriment to retained on and off site trees.

However, they have advised that any PRowS should be retained as is or returned to grass, and any upgrades to footways/cycleways and any new construction must ensure a 2m+ buffer beyond the Root Protection (RPA) of any retained trees.

They have advised that if PRow 136 is to be upgraded to a footway/cycleway to allow better connectivity through the site (which is required) then this route should be designed to avoid the made TPO on the southern boundary of the site.

The submitted Parameter Plans showed PRow 136 with an aligned pedestrian and cycle way to avoid protected TPO'd trees. Amended plans have been submitted which show the route of PRow 136 being diverted around the protected tree to secure such protection.

The imposition of a planning condition could secure, prior to commencement of upgrading works to PRow 136, an Arboricultural Impact Assessment and Arboricultural Method Statement which includes a Tree Protection Plan, which defines which trees are retained and which trees are removed. Such details would also include which trees are to be retained and which trees are to be removed and measures proposed for their protection.

On the basis of the above, the development would not result in undue to harm to trees and hedgerows of value, and therefore accords with Policies H SP2a and ENV DM4 of the Arun Local Plan and Policy ES6 of the Bersted Neighbourhood Development Plan.

LANDSCAPE, OPEN SPACE & LEISURE/SPORTS:

The Parameter plans show indicative landscaping which has been reviewed by Officers and is considered to be acceptable in principle. The Illustrative Masterplan includes the three key 'green fingers' through the site with 'viewing mounds' being created. Such mounds, if delivered as part of subsequent Reserved Matters, would allow for far-reaching views to the Cathedral City of Chichester and the South Downs National Park. This feature which would be accordant with the Landscaping Parameters plan has been borne out of the engagement with the West Bersted Advisory Group meeting feedback. The NPPF makes clear the weight that should be given to early proactive engagement with those most affected by their development proposals.

The Council's Landscape and Greenspace Officer has raised no objection to the indicative landscaping outlined in the Parameter Plans, subject to acceptable details including a Detailed Landscape Scheme & Planting Plan, being provided at Reserved Matters stage.

The final quantum of public open space provided in the plans may increase through the submission of Reserved Matters applications. However, the submitted Parameter Plans achieves a policy compliant delivery of open space when assessed against the Council's SPD documents. The Council's Landscape and Greenspace Team have confirmed this.

Obligations and planning conditions will be used to secure Local Area of Plan (LAP0, Local Equipped Area for Play (LEAP) and Neighbourhood Equipped Area for Play (NEAP) which have been indicated on the Parameters Plans. The provision of these plays areas, combined with financial contributions towards social, leisure and sports infrastructure, can be secured via separate S106 agreement.

On the basis of the above, the development 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 Built Sports Facilities, January 2020.

ECOLOGY/BIODIVERSITY:

An Ecological Assessment dated July 2020 was submitted with the application. The Council's Ecology Advisor has raised no objection on ecology grounds and requested planning conditions to protect bats, dormice, badgers, hedgehogs, reptiles and wild nesting birds and to secure Biodiversity Net Gain.

The Ecology Officer advised that if any works or disturbance would result on the 5 trees on site which have potential to support bat roosting then further bat surveys and/or potential mitigation strategies would be required. They also advised that an external lighting scheme designed to protect bats and a comprehensive Reptile Mitigation Strategy should be submitted.

On the basis of the above, the development would likely achieve Biodiversity Net Gains in accordance with Policy ENV DM5 of the Arun Local Plan.

PAGHAM HARBOUR SPA & RAMSAR:

The site falls within the 5km buffer zone of the Pagham Harbour Special Protection Area (SPA) and Ramsar for European designated sites and protected species. Policy W SP1 (ALP) requires that the Council seek to enhance the quality of the water environment which supports a range of habitats and ecosystems. Policy H SP2a(g) requires development to ensure no detrimental impact to the Pagham Harbour SPA, through compliance with Policy ENV DM2.

The LPA has measures in place (Strategic Access Monitoring and Management tariff) to manage the potential recreational disturbance impacts from development on the SPA. An appropriate financial contribution (£871 per dwelling) will be secured through the corresponding S106 agreement to fulfil Policy ENV DM2.

A shadow Habitats Regulations Assessment (shadow HRA) was submitted with the application. At the time of this report, the Local Planning Authority awaits comments back from their Ecology Officers. However, this submission mirrors that of BE/148/20/OUT where an Appropriate Assessment was undertaken. The Local Planning Authority has no reason to suggest that the conclusions of an Appropriate Assessment for this application would be concluded differently. However, as no S106 Agreement has been entered into between the applicants and Local Planning Authority, the mitigation measures detailed in the sHRA and SAMM tariff are unable to be secured.

The submission confirms that the development will discharge foul sewerage to the Ford Waste Water Treatment Works. Ford WWTW discharges c. 3km offshore where the outfall has no direct hydrological connection to Pagham Harbour SPA/Ramsar. On this basis, the development would not result in the deterioration of water quality in the Pagham Harbour SPA/Ramsar. The imposition of a planning condition relating to foul water will secure these details.

As the applicants and Local Planning Authority have been unable to conclude the S106 Agreement on other matters, there currently exists no mechanism to secure the mitigation measures necessary to prevent adverse impacts arising on the Pagham Harbour SPA and is therefore contrary to Policies ENV DM2 and H SP2a of the Arun Local Plan.

SUMMARY:

For the reasons set out in this report above, the development would result in impacts upon the local road network which would be lengthened through an insufficient contribution towards the delivery of the spine

road; a policy requirement which has been known since the adoption of the Local Plan.

Due to this matter being unresolved, the Local Planning Authority has been unable to enter into an acceptable S106 Agreement with the applicants which has resulted in a number of other matters being able to be secured.

There are no overriding material considerations that override the discordance with the Development Plan. All material considerations in this instance support the refusal of planning permission, in this instance.

On the basis of the above, and subject to the reasons detailed in the corresponding decision notice, planning permission should therefore be refused.

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 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).

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 Draft S106 Agreement was submitted in support of the application. However, for the reasons outlined above relating to the absence of a sufficient contribution towards the spine road, the Local Planning Authority has been unable to enter into such an agreement.

Notwithstanding this, the Draft Agreement makes the provision (in principle) for the following financial and non-financial obligations:

Non-financial obligations as follows:

- Provision of affordable housing
- Provision of self-build housing
- provision of play areas on site (LAP, LEAP & NEAP)
- Obligations to enter into the highways agreement (S278) and carry out the off-site highways works, and PRoW enhancements etc...

Financial obligations towards the following projects:

1) Transport Improvements

- A27/A259 Bognor Road Roundabout
- A27/B2145 Whyke Roundabout
- A259 Felpham Relief Road
- A29/A259 Rowan Way
- A259 Bersted to Drayton
- A259 Oystercatcher
- A29 Realignment
- A259 Corridor Improvement Bognor Regis to Littlehampton
- A259 Bognor to Chichester Cycle Route

2) Social, Leisure and Sport

- 3G pitch provision
- Playing pitch provision
- Sports Hub/Community Centre
- Sports Hub/Ancillary Facilities
- Sports Hub/Sports Hall
- Sports Hub/Health & Fitness
- Sports Hub Land Costs
- Swimming Pools

3) Habitat Mitigation measures

- Pagham Harbour SPA at £871 per dwelling

4) Education

- Early years education
- Primary education
- Secondary education
- Sixth Form education
- Special Educational Needs & Disability
- Education land costs

5) Libraries

- Tier 7 library

6) Fire & Rescue Services

- Formula based contribution

7) Police

- Additional equipment and staffing

8) NHS Healthcare

- Increased provision of services

9) Monitoring Fees

- Council's monitoring costs of obligations

CIL DETAILS

The application site comprises a Strategic Development Site which CIL Rated Zero under the Council's

adopted Charging Schedule.

RECOMMENDATION

REFUSE

- 1 The submitted Transport Assessment fails to address off-site capacity requirements related to the strategic allocation and the local road network and due to a failure to demonstrate through an effective Transport Assessment that the transport effects of the development on the local highway network can be satisfactorily mitigated, the applicant has failed to demonstrate that the proposed development would not result in a severe cumulative residual impact on the road network, contrary to the National Planning Policy Framework and Arun Local Plan policies H SP2(k) and T SP1(e). In addition, the application fails to sufficiently encourage the use of sustainable modes of transport, contrary to the National Planning Policy Framework and Arun Local Plan policies T SP1, T DM1 and H SP2.
- 2 In the absence of a completed S106 legal agreement, the application fails to secure a developer contribution towards the agreed strategic approach to access management at Pagham Harbour, contrary to the requirements of Arun Local Plan policy ENV DM2 (i). In the absence of this mitigation measure there would be an Adverse Effect on the integrity of an Internationally designated conservation site, contrary to policies H SP2a and ENV DM2 of the Arun Local Plan and the relevant legislation, the Conservation of Habitats and Species Regulations (2019, as amended).
- 3 In the absence of a completed Section 106 legal agreement, the application fails to secure affordable housing provision, self-build plot provision, infrastructure contributions towards play, social, leisure and sports facilities, healthcare, education, fire & rescue services and police, and the transport mitigation package, necessary to support development. The application therefore fails to comply with Arun Local Plan policies INF SP1, AH SP2, H SP2, H SP2a, D SP1, D DM1, policy HDQ4 of the Bersted Neighbourhood Development Plan and Arun District Council Supplementary Planning Document Open Space, Playing Pitches, Indoor and Build Sports Facilities, January 2020.
- 4 **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 with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.