

Recommendation Report for Planning Permission

REF NO: BE/97/21/PL

LOCATION: Springfields
Chichester Road
Bersted
PO21 5EE

PROPOSAL: 1 No. dwelling. This application is a Departure from the Development Plan. This application is in CIL Zone 3 and is CIL liable as new dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION It is proposed to erect a new build a new 4-bedroom detached chalet bungalow on land to the northwest of the current dwelling "Springfields". The layout shows a small bin store location and the application states that 3 parking spaces will be provided but these are not shown. Access will be from the A259 via the existing access shared between Springfields and Babsham Lodge.

SITE AREA 0.1381 hectares.

RESIDENTIAL DEVELOPMENT DENSITY (NET) 7.25 dwellings per hectare.

TOPOGRAPHY Predominantly flat.

TREES A swathe of large TPO protected Holm Oak Trees roughly forming a boundary between the site and the existing dwelling, Springfields.

BOUNDARY TREATMENT

- 1m high 2 bar timber fence to the adjacent owned land to the northwest;
- Open to the northeastern boundary with agricultural fields (only a field margin to demarcate the boundary);
- 1m high close boarded fence to the northwestern boundary of Springfield's rear private garden; and
- 1m high railings to the road.

SITE CHARACTERISTICS The application site lies to the immediate northeast of an existing detached bungalow (Springfields) which itself has gardens to the front, rear & sides. The site itself is mown grass land and there is a single width holiday caravan on the site.

CHARACTER OF LOCALITY The site lies at the northwestern tip of a ribbon of residential properties on the northeastern/eastern side of Chichester road but is considered to be in a semi-rural locality with agricultural fields to the northeast and on the opposite side of Chichester road. Springfields is a single storey bungalow with only ground floor principal windows (on its rear). There is a further residential property to the northwest but at a distance of 256m

from Springfields and so is not affected.

RELEVANT SITE HISTORY

BE/100/19/PL	2 No. dwellings. This application is a Departure from the Development Plan.	Refused 26-02-20 Appeal: Dismissed 07-10-20
BE/113/18/PL	Application for removal of a condition following grant of planning permission BE/19/61/A relating to condition no.2 - agricultural worker occupancy	Approve 28-03-19
BE/51/18/PL	1 No. dwelling. This application is a Departure from the Development Plan.	App Cond with S106 07-09-18

This is an exact resubmission of BE/51/18/PL which has time expired. BE/100/19/PL concerned adjoining land to the northwest of the site.

REPRESENTATIONS

Bersted Parish Council have no objection.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

HEALTH & SAFETY EXECUTIVE: Do not advise on safety grounds against the granting of planning permission.

NATURAL ENGLAND: No objection but state that:

- Subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential recreational impacts of the development on the coastal Special Protection Area(s) and Ramsar Site(s);
- However, this approach may need to be formally checked and confirmed by ADC, as the competent authority, via an Appropriate Assessment (AA); and
- Natural England must be consulted on any appropriate assessment that ADC may decide to make.

SCOTIA GAS NETWORKS: Have not responded but previously stated that although SGN has a high pressure gas pipeline in the vicinity, the safety and integrity of their assets would not be affected by the proposal.

ADC DRAINAGE ENGINEERS: No objection. State that due to the scale, location and type of application they have no conditions to request. Any alterations to surface water drainage must be designed and constructed in accordance with Building Regulations.

ADC ENVIRONMENTAL HEALTH: No objection and recommend conditions relating to contamination, construction hours, road noise, noise from commercial premises, assessment of noise levels and electric vehicle charging.

COUNCILS ECOLOGIST: No objection subject to control of any future lighting to protect bats, prevention of harm to birds nests, protection/enhancement of trees/hedges, careful development to protect hedgehogs and bat/bird/hedgehog nesting boxes.

COUNCILS ARCHAEOLOGIST: No objection. State that it is unlikely that a development of this extent would impinge on archaeological deposits that might be present to the extent that refusal or the requirement of other mitigation measures would be justified.

COMMENTS ON CONSULTATION RESPONSES:

Noted except as discussed below.

NATURAL ENGLAND: An Appropriate Assessment has been issued to Natural England for review and they have responded to state that provided that the Pagham Harbour contribution is secured via a legal agreement, then the appropriate assessment can ascertain that there will be no adverse effect on the integrity of the European Site in view of its conservation objectives. Natural England is of the view that if these measures, including contributions to them, are implemented, they will be effective and reliable in preventing harmful effects on the European Sites for the duration of the proposed development. A copy of the Appropriate Assessment is on the website files.

ADC ENVIRONMENTAL HEALTH: The three recommended noise conditions have been combined into one.

COUNCILS ECOLOGIST: The protection of birds nest is covered by separate legislation so it would not be appropriate to impose a condition but an informative will be added.

POLICY CONTEXT

Designations applicable to site:

Outside the Built Up Area Boundary (BUAB);
Current/Future Flood Zone 1;
Within a Strategic Gap;
Class A Road;
Archaeological Notification Area;
Areas of Special Control of Adverts;
Gas Pipeline Notification Area;
CIL Zone 3;
Pagham Harbour Zone B;
WSCC 500m Waste Buffer Area; and
Tree Preservation Order TPO/BE/1/14.

DEVELOPMENT PLAN POLICIES

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

CSP1	C SP1 Countryside
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
ENVDM2	ENV DM2 Pagham Harbour
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
HSP1	HSP1 Housing allocation the housing requirement
QESP1	QE SP1 Quality of the Environment
QEDM2	QE DM2 Light pollution
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
SDSP3	SD SP3 Gaps Between Settlements
SODM1	SO DM1 Soils
TSP1	T SP1 Transport and Development
TDM1	T DM1 Sustainable Travel and Public Rights of Way
HWBSP1	HWB SP1 Health and Wellbeing
INFSP1	INF SP1 Infrastructure provision and implementation
LANDM1	LAN DM1 Protection of landscape character
TELSP1	TEL SP1 Strategic delivery of telecomms infrastructure
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management
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 ES3	Protecting the Strategic Gap/Green Infrastructure Corridor
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 HDQ2	Integration of new housing
Bersted Neighbourhood Plan 2014 Policy HDQ3	Windfall sites
Bersted Neighbourhood Plan 2014 Policy HDQ5	Design of new housing development
Bersted Neighbourhood Plan 2014 Policy HDQ6	Outdoor space
Bersted Neighbourhood Plan 2014 Policy HDQ7	Attention to detail
Bersted Neighbourhood Plan 2014 Policy HDQ8	Car parking

PLANNING POLICY GUIDANCE:

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

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
SPD13	Arun District Design Guide (SPD) January 2021

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031 (ALP), West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan 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 relevant policies of the Bersted Neighbourhood Development Plan (BNDP) have been 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

Section 70(2) of the Town and Country Planning Act 1990 (as amended) 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.

The proposal is considered to conflict with ALP policy C SP1 and with BNDP policy ES7 on the grounds that it will create a new dwelling in the countryside. The proposal also conflicts with ALP policy SD SP3 and BNDP policy ES3 by virtue of development within the strategic gap between the settlements of Bognor Regis and Chichester. Finally, the proposal conflicts with ALP policy SO DM1 by virtue of being on grade 2 Agricultural land.

OTHER MATERIAL CONSIDERATIONS

Regard should be had to the location of the site on the end of an existing well established ribbon of development and also to its sustainable location and the economic benefits that will arise from a new dwelling.

CONCLUSIONS

PRINCIPLE:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states applications should be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan comprises the Arun Local Plan 2011-2031 (ALP), the Bersted Neighbourhood Development Plan (BNDP), the South Inshore & South Offshore Marine Plan and the West Sussex Waste and Minerals Plans.

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". Any conflict between the BNDP and the ALP, should therefore be resolved in favour of the latter.

Some of the policies most important for the determination in the ALP have reduced weight as Arun cannot demonstrate an adequate supply of housing land (3.3 years). Similarly, some policies in the BNDP (policies ES7 & HDQ3) have even less weight because they relate to out of date housing needs as per the 2003 Local Plan.

Paragraph 14 of the NPPF states that in situations where the 'presumption in favour of sustainable development' applies to applications involving the provision of housing, then the adverse impact of allowing development that conflicts with the neighbourhood plan will not significantly and demonstrably outweigh the benefits if four specific criteria apply. In this case, criteria (a) to (d) are not all applicable because the Neighbourhood Plan was made over two years ago. The presumption in favour of sustainable development is unaffected by the Neighbourhood Plan.

The Arun Local Plan (ALP):

Policy H SP1 "The Housing Requirement" sets out an overall provision of 20,000 new homes through the Local Plan phased over the plan period to 2031. It includes reference to additional non-strategic allocations being made across the District through reviews of Neighbourhood Plans and in cases where there is no up-to-date Neighbourhood Plan, through the publication of a "Non-Strategic Site Allocations Development Plan Document". It is no longer planned to prepare such a document and instead the Local Plan will be subject to a formal review.

Policy C SP1 (Countryside) states residential development in the countryside outside the BUAB will not be permitted unless in accordance with policies in the Plan which refer to a specific use or type of development. None of these relate to the proposal and the site is clearly outside of the BUAB of Yapton. Therefore, the proposal conflicts with ALP policy C SP1.

The Bersted Neighbourhood Development Plan (BNDP):

The BNDP was made (adopted) in July 2014 on the basis of the saved policies in the 2003 Arun District Local Plan and the draft policies in the 2014 publication version of the then emerging ALP. The proposed site is also outside of the BUAB within the BNDP and therefore policy ES7 is relevant and states that development outside of the built-up area boundary will not be supported. It is noted that policy HDQ3 states permission will be granted for small residential developments on infill and redevelopment sites in the Parish but that this is to be subject of the other policies in the Plan (including ES7) and so does not override policy concerning development in the countryside. As such, the proposal is in conflict with BNDP policy ES7.

The National Planning Policy Framework (NPPF):

The NPPF (July 2021) is an important material consideration in determining planning applications. The

Council cannot demonstrate a 5-year Housing Land Supply (HLS) and paragraph 11 (d) of the NPPF and the application of the 'presumption in favour' of sustainable development is triggered.

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

There is no question that (i) does not apply to this determination as the site does not lie in a protected landscape and is not or near a protected heritage asset that would be significantly affected. The part (ii) test, adverse impacts, will be considered at the end of this report.

Other Material Considerations:

On 12 February 2020, following appeal APP/C3810/W/19/3236911 a Planning Inspector considered the authority was able to demonstrate a 2.9 years HLS. In December 2020 the Council republished its Authority Monitoring Report (AMR) for 2019/20 and this states that the HLS has increased to 3.3 years.

In February 2020 the government published Arun's Housing Delivery Test (HDT) result for November 2019. The HDT was 68% triggering the application of a 20% buffer to be included in the calculation of the authorities 5-year HLS. The HDT results for 2020 were published on 19 January 2021 and show that Arun achieved 61% thus triggering the application of the presumption in favour of sustainable development (although this was already being applied due to the HLS shortfall).

The Council's Action Plan (June 2019) made a series of recommendations to boost housing delivery. This includes relying on the 'presumption in favour of sustainable development' until such time as the 5-year housing land supply is re-established and the HLS is progressed through plan making. It recommended the Council consider inviting applications from landowners/developers on 'deliverable' HELAA sites to re-establish the 5 year housing land supply. This site has not been considered through the HELAA.

In February 2021, Arun published an Interim Policy Statement for Housing Delivery. This is not policy but it meant as a guide for developers proposing development on sites outside the BUAB and to inform planning decisions. It is stated to only apply to sites adjacent to settlement boundaries and as there is BUAB on the opposite side of the A259, would apply to this proposal and therefore supports the proposal (although the applicant has not commented on how the proposal meets the guidance in the document).

Conclusion on Matters of Principle:

The principle of residential development is contrary to policies in the development plan. However, it is not justifiable to refuse applications solely on grounds of being in the countryside unless there is corresponding harm associated with the location. Furthermore, the policies of the ALP and BNDP that relate to the housing have reduced weight due to the Council not being able to demonstrate an adequate supply of housing land.

This application should not be determined as being unacceptable in principle unless there is corresponding harm to the countryside, and then, crucially, whether the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole.

STRATEGIC GAP:

The site is also located within a defined strategic gap which is in place to prevent the coalescence of the settlements of Chichester and Bognor Regis. ALP policy SD SP3 states that development will only be permitted within the gaps if:

- a. It would not undermine the physical and/or visual separation of settlements;
- b. It would not compromise the integrity of the gap, either individually or cumulatively with other existing or proposed development;
- c. It cannot be located elsewhere; and
- d. It maintains the character of the undeveloped coast.

In addition, BNDP policy ES3 states that: "Development within the Strategic Gap as defined in Appendix D will not be supported."

The proposal is in accordance with criteria (a) & (b) of policy SD SP3 as the addition of one dwelling in this location on the end of an existing ribbon development and closely related to the existing adjacent dwelling will not undermine the integrity of the gap and it will still be clear that there is a separation between Bognor Regis and Chichester. However, it is necessary to comply with all of the criteria and therefore, the proposal is in partial conflict with policy SD SP3 and policy ES3.

AGRICULTURAL LAND:

The "Post 1988 Agricultural Land Classification (England)" dataset available via Defra's online Magic mapping tool shows that the site falls within grade 2 agricultural land.

ALP policy SO DM1 states unless land is allocated, then the use of Grades 1, 2 and 3a of the Agricultural Land Classification for any form of development not associated with agriculture, horticulture or forestry will not be permitted unless the need for the development outweighs the need to protect such land in the long term. The policy also requires certain supporting documents (criteria d-f) however, the policy preamble states that this requirement is only for sites of greater than 1 hectare which this is not.

The applicant has not supplied any information to justify the proposal against the requirements of this policy. However, this is a very small area of land (0.1381 hectares) which would not be viable for the purposes of the growing of crops. Modern agriculture and arable farming has changed to the extent that it is now larger in scale with an emphasis on large tracts of land (such as the large field to the east) as opposed to collections of small individual fields.

The applicant has stated that the land is not presently being utilised (or has in recent times) in association with any agricultural activities and comprises of grassland only. Furthermore, the adjoining land to the northwest of the site is not in agricultural use. There is no evidence of animal grazing either. It is also considered that the access to the site would not be suitable for regular use by agricultural vehicles given it is from/onto a main A road and that the access is shared between two existing residential dwellings such that agricultural activity could be detrimental to existing residential occupiers. It is noted that the existing dwelling Springfields was originally approved as a dwelling for an agricultural worker but that this restriction was removed in 2019.

Therefore, despite the grade of soil on the land and the conflict with policy SO DM1, the site has limited economic potential for future agricultural use due to its size/workable area and accessibility. Furthermore, it is clear from the current HLS, that there is an evidenced need for new housing and given the limited future potential for agricultural use, on balance this outweighs the loss of the land. However,

a condition will be imposed to require that the important soils are preserved and reused.

TRAFFIC, ROAD SAFETY & PARKING:

ALP policy T SP1 seeks to ensure development: provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport. It states schemes must explain how 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. T SP1 states proposals must incorporate appropriate levels of parking taking into consideration the impact of development on on-street parking.

Para 110 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 111 which states: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

The application proposes to use an existing access which is shared between two existing dwellings. This will result in a slight intensification of this access point. However, the junction with the A259 is considered to have excellent visibility in both directions. Furthermore, although right turns onto the A259 may be difficult at times due to traffic, it is possible and not inconvenient for vehicles to simply turn left and then go around the roundabout a short distance to the south in order to avoid any risky manoeuvres onto the A259. There will be no gate across the access driveway and therefore no risk of cars backing up onto the A259. Although there has not been any consultation with WSCC Highways, it is not considered that the impact of this proposal would be unacceptable or severe.

In respect of parking, the proposal would provide for 3 off-street spaces. This complies with BNDP policy HDQ8 and with the Arun Parking Standards SPD. The submission does not detail the parking layout (this was the same on the previous application) and so a condition will be imposed to secure this detail. The proposal is therefore in accordance with ALP policy T SP1 and with policy HDQ8 of the BNDP.

CHARACTER, DESIGN & VISUAL AMENITY:

Policy D SP1 of the ALP states development should seek to make efficient use of land but reflect the characteristics of the site and local area. ALP policy D DM1 looks at aspects of form and design quality, including; character, attractiveness, innovation, residential amenity impact, adaptability, density, scale, trees and crime prevention. New buildings should be harmonious with their surroundings and successfully integrate with the existing surrounding environment.

ALP policy LAN DM1 states that development should respect the particular characteristics and natural features of the relevant landscape character areas and seek, wherever possible, to reinforce or repair the character of those areas.

BNDP policy ES1 states that: "New development which would have an effect on the appearance or character of the surrounding area should be of a high quality design and should contribute to local character by creating a sense of place appropriate to its location". Policy ES5 requires that building design contribute positively to the historic character of Bersted. Policy HDQ2 states that "Proposals for new housing must ensure that the new homes are well connected to the surrounding area and visually integrated with their surroundings." Furthermore, HDQ5 requires that new housing is of a high quality and is designed to reflect the local character.

The National Design Guide is a material consideration. It states achieving a well-designed place comes about through making the right choices at all levels, including the layout (or masterplan), the form and scale of buildings, their appearance, landscape, materials and their detailing. It sets out ten characteristics of beautiful, enduring and successful places: Context, Identity, Built Form, Movement, Nature, Public Spaces, Uses, Homes & Buildings, Resources and Lifespan.

The Arun Design Guide suggests a density of 5-15 for rural settlements. It states density should decrease with distance from the centre of a settlement, to ensure development relates sensitively to its setting and addresses edges of the site in a positive way. The density of 7 dwellings per ha is acceptable. It is noted the application does not formally respond to either the National or Arun Design Guides but it is material that permission has previously been granted for the same form of development.

A traditional two storey dwelling in this location would not be appropriate having regard to the scale of Springfields and the open nature of the landscape. Although the dwelling does have a first floor, the south west elevation facing the road only shows a single roof level velux window. Therefore, the dwelling will not appear as two storeys within the streetscene. There are two gable end windows but these are on elevations facing elsewhere.

There is no firm building line along this ribbon of houses and it is acceptable for the proposed dwelling to be set slightly behind the line of Springfields. The distance between the new and existing dwellings plus the established line of trees also means that the new dwelling will not be readily seen alongside Springfields and as such does not necessarily need to match exactly in terms of design or style.

Although the dwelling will encroach onto a currently open unscreened area of countryside, it is not considered that this will be harmful to the character of the local landscape as there will still be views from the road & footpath of the flat landscape beyond through the adjacent land to the northwest and through the gap between the two dwellings. It will be necessary to seek new landscaping around the front of the site to soften the site appearance and this can be secured through a planning condition. The Councils Landscape Officer previously raised this (on the first application) but did not object on landscape grounds. There is no Landscape response to the present application.

The dwelling will therefore not be harmful to local landscape or character and is in accordance with ALP policies D DM1, D SP1 & LAN DM1 as well as policies ES1, HDQ2, HDQ5 and HDQ7 of the BNDP. The proposal does not comply with BNDP policy ES5 but this is not material as this part of Bersted does not have any apparent historic character.

RESIDENTIAL AMENITY:

ALP policy D DM1 requires there be minimal impact to users and occupiers of nearby property and land. ALP policy QE SP1 requires development contribute positively to the quality of the environment and ensure development does not have a significantly negative impact on residential amenity. The Arun Design Guide sets out guidance on garden depths and interface distances between houses:

- Back to Back: min. 21m between habitable rooms of properties or to existing buildings;
- Back/Front to Side: min. 14m between habitable rooms and side gable of adjacent property;
- Front to Front: min. 16m between habitable rooms of properties facing each other; and
- Back to Boundary: min. 12m between habitable rooms and site boundary to existing landscaping.

There are no standards given for either front to back or side to side (which is relevant here as the only nearby dwelling is to the side). The dwelling will be sited far enough away from neighbouring properties such that there will be no overbearing or overshadowing impacts. Furthermore, the ground floor windows can be screened out through new 1.8-2m high boundary treatment between the new dwelling

and Springfields. A condition will be imposed to require approval of new boundary treatment details.

A first floor bedroom window is proposed in the elevation facing Springfields and this will have a view out towards Springfields rear garden. However, this window will be 15m from the new shared boundary and there are protected Holm Oak trees within this 15m area which provide screening. Regard is also had to the fact that the occupiers of Springfields are making the planning application. The proposal therefore complies with ALP policies D DM1 and QE SP1.

QUALITY OF ACCOMMODATION:

ALP policy D DM2 states that internal spaces should be of an appropriate size and that the Nationally Described Space Standards provide guidance. The required internal space standard for a house of this number of bedrooms is 124m² but the proposal far exceeds this with a total internal floor area of around 239m² therefore complying with policy D DM2.

BNDP policy HDQ6 states that "A private outdoor garden amenity space, or a shared amenity area must be provided for all new dwellings. The Arun Design Guide sets out standards for garden sizes as follows:

- Private Rear Garden: min. 10.5m depth;
- Private Front Garden: min. 2m depth;

The proposal includes a large area of garden to the rear (13m deep) and southeastern side (15m deep) and this is considered to be a private space (subject to the usual tolerances caused by neighbouring windows having oblique angle views). The proposal complies with BNDP policy HDQ6 and with the Design Guide.

TREES:

ALP policy D DM1 states development is expected to incorporate existing and new tree planting as an integral part of proposals. Policy LAN DM1 requires development respect the characteristics & natural features of the relevant landscape character areas and aims to reinforce or repair the character of those areas. ALP policy ENV DM4 requires TPO protected trees, Ancient Woodland, those in a Conservation Area or trees that contribute to local amenity are not damaged or felled unless the developments meets the following criteria:

- a. tree loss is in the interests of good arboricultural practice;
- b. tree loss would enhance the survival & growth prospects of other protected trees;
- c. the benefits outweigh the loss of trees or woodland, especially ancient woodland.

BNDP policy ES6 also seeks to protect important trees.

The application is accompanied by a Tree Survey and associated report which state that the adjacent TPO protected Holm Oak Trees can be retained with only minor intrusion into some of the Root Protection Areas. The Councils Tree Officer has not responded to the consultation request. Although, no supporting tree protection plan has been provided, this was the same as on the previous application (which also had the same site layout) and to which the Tree Officer also did not comment.

As the previous application was approved, it is appropriate to follow the same course of action, but this time to require a tree protection plan/details by condition to ensure that the trees are protected during construction. The proposal therefore accords with the relevant development plan policies.

BIODIVERSITY:

ALP policy ENV DM5 states development schemes shall seek to achieve a net gain in biodiversity and protect habitats on site. They shall incorporate elements of biodiversity including green walls, roofs, bat and bird boxes as well as landscape features minimising adverse impacts on existing habitat. Paragraph 180 of the NPPF is relevant and states that if significant harm to biodiversity cannot be avoided, adequately mitigated, or, as a last resort, compensated for, permission should be refused.

The application is accompanied by a Preliminary Ecological Appraisal which states that the amenity grassland is poor for wildlife species and that reptiles, amphibians and plants are absent. The survey makes no recommendations for further surveys but does recommend habitat enhancement through new hedge planting on the site boundaries and also proposes that new lighting be bat friendly.

The Council's Ecologist raises no objection subject to the control of any future lighting to protect bats, the protection/enhancement of trees/hedges, careful development to protect hedgehogs and provision of bat/bird/hedgehog nesting boxes. Conditions are proposed to secure these items.

The application proposes no details of biodiversity net gain however this can be secured by conditions. On this basis, there is no conflict with ALP policy ENV DM5.

CLIMATE CHANGE:

ALP policy ECC SP2 requires residential development be energy efficient and should incorporate decentralised, renewable and low carbon energy supply systems. The application is silent on this policy requirement and so a condition will be imposed to secure the provision of renewable energy measures and this will ensure compliance with the policy.

PAGHAM HARBOUR:

ALP policy ENV DM2 requires residential developments in 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 £871 per new unit was agreed by the Council's Cabinet on 10 April 2017. The site lies in the designated Zone B and the proposal results in a net increase of 1 dwelling.

The application is accompanied by a signed legal agreement relating to a payment of £871 towards the mitigation of the impacts of the development on the Pagham Harbour Special Protection Area. On this basis, Natural England advise there will be no adverse effect on the integrity of the European Site in view of its conservation objectives.

THE NPPF PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT:

ALP policy SD SP1 states that the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. Para 8 of the NPPF states that in order to achieve sustainable development; economic, social and environmental objectives should be sought jointly and simultaneously through the planning system. Policy T DM1 requires new development be located in easy access of established non-car transport modes/routes, contribute to the improvement of such routes & facilities and contribute towards provision of a joined-up cycle network and Public Rights of Way network.

The site is sustainably located given that there is a petrol station shop within a walk (using pavement/hard surfaced footpaths) of only 685m and bus stops (using the same surfaces) within 235m or 278m. It is also possible to cycle to nearby facilities as there is a segregated cycle path on this side of

the A259.

The proposal would result in an increase in Council Tax receipts and new homes bonus payments to the Council. It will necessitate the employment of persons to build the dwelling and there will be spending by new residents on goods & services. Therefore, it will result in some small scale economic benefits. The loss of agricultural land is noted but the land has not recently been used for such and there is little potential for it to be used so in the future therefore this does not affect the economic benefits.

The proposal will help support the local community by providing a new family sized home, will contribute to the Council's HLS deficit whilst the associated CIL receipts will contribute to new infrastructure in the district. Environmentally, there would be some impacts on the character of the countryside and to wildlife habitat in respect of the loss of grassland but these impacts are not significant.

SUMMARY:

The application site is outside the defined built-up area boundary of Bersted & within a strategic gap and is therefore contrary to policies C SP1 & SD SP3 of the ALP and BNDP policies ES3 & ES7. The development of the land will also result in the loss of 0.1381 hectares of grade 2 agricultural land. However, there is only limited harm associated with these policy conflicts.

The proposal represents sustainable development and in accordance with paragraph 11d of the NPPF, the Council concludes that the adverse impacts do not significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole. Therefore, in accordance with the presumption in favour of sustainable development, it is recommended that permission be granted in accordance with the following conditions.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

SECTION 106 DETAILS

This decision will be granted in conjunction with a completed section 106 legal agreement relating to a contribution of £871 towards Pagham Harbour Access Management Mitigation Measures.

CIL DETAILS

This is a CIL Liable development. It is in Zone 3 and a CIL amount of £32,602.10 is payable unless the applicant applies for exemption subject to the requirements of the CIL Regulations 2010 (as amended). The Parish Council would receive a 25% share of this money (£8,150.52) albeit again subject to whether any relief is claimed.

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:

Dwg. 0520-01/01 "Site Location Plan";
 Dwg. 0520-01/03 Rev B "Proposed Site Layout";
 Dwg. 01 "Foundation Slab";
 Dwg. 02 "Ground Floor Plan";
 Dwg. 04 "Section A-A, B-B";
 Dwg. 08 "Windows List";
 Dwg. 09 "WC, Bath";
 Dwg 3105/AD1 Rev P1 "Proposed Floor Plans, Proposed Roof Plan, Proposed Elevations";
 and
 "Tree Constraints Plan" (16/03/2018).

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

- 3 The development hereby approved shall be implemented in accordance with the recommendations of the approved Ecological Appraisal (December 2019) and the items listed below.

- The site must be searched carefully before works begin. If any small mammals including hedgehogs are found they should be relocated away from the construction area into surrounding suitable habitats.
- Any brush piles, compost and debris piles on site could provide shelter areas and hibernation potential for hedgehogs so these piles must be removed outside of the hibernation period mid-October to mid-March inclusive. The piles must undergo soft demolition.
- Any trenches, pits or holes should be covered overnight, or a means of escape made available and any hazardous chemicals need to be suitably stored away so animals cannot access them.

These measures shall be implemented in full and permanently adhered to throughout the

development to the satisfaction of the Local Planning Authority.

Reason: To mitigate harm during construction to bats, birds, badgers & small mammals, reptiles and other wildlife species in accordance with Arun Local Plan policy ENV DM5 and the National Planning Policy Framework.

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

- the anticipated number, frequency and types of vehicles used during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- 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 Regulation Orders),

Reason: In the interests of highway safety and the amenities of the area in accordance with policies D DM1 and T SP1 of the Arun Local Plan and the National Planning Policy Framework. This is required to be a pre-commencement condition because it is necessary to have the site set-up agreed prior to access by construction traffic.

- 5 Development shall not commence, other than works of site survey and investigation, until a Soil Resource Plan has been submitted to and approved in writing by the Local Planning Authority. This shall set out how the best and most versatile soils on the site are to be protected during construction and then recycled/reused in the new development layout. The soil protection/mitigation measures shall be implemented as per the document and then permanently adhered to throughout the construction and development of the site.

Reason: In accordance with Arun Local Plan policy SO DM1 and the National Planning Policy Framework. It is considered necessary for this to be a pre-commencement condition to protect the best and most versatile soils on the site prior to the construction commencing.

- 6 No part of the site shall be occupied or any heavy plant/equipment introduced to the site or demolition work or construction work or alterations to existing ground levels shall take place (but not including survey work) unless and until an Arboricultural Method Statement and Tree Protection Plan have been submitted to and approved in writing by the Local Planning Authority.

Thereafter a pre-commencement site meeting must be arranged to take place between the Arun DC Tree Officer and the Arboricultural Expert or Landscape Architect representing the site owners at which time, all tree protection measures will be inspected and assessed to verify that it is 'Fit for Purpose' as required under British Standard 5837:2012 and have been erected and positioned exactly as shown on the approved drawings.

Reasons: To comply with BS5837 and with Arun Local Plan policy ENV DM4 and to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised and they can continue to enhance the landscape and amenity of the area. This is required to be a pre-commencement condition because it is necessary to ensure the protection of the protected and otherwise significant trees prior to any change to the surface of the site.

- 7 No development shall commence until a mitigation method statement has been submitted to

and approved in writing by the Local Planning Authority to provide details of how those retained hedgerows and tree lines are to be protected and enhanced. There must be a 5m buffer zone in place secured by fencing around the retained hedgerows during construction. The development shall thereafter proceed in accordance with the approved hedgerow protection and enhancement measures.

Reason: Bats use hedgerows for foraging and commuting and therefore in accordance with the NPPF and policy ENV DM5 of the Arun Local Plan. This is required to be a pre-commencement condition because the hedgerow protection scheme must be in place prior to construction starting.

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

1. A Preliminary Risk Assessment which has identified: all previous (historical) uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; potentially unacceptable risks arising from contamination at the site.
2. A Site Investigation Scheme, based on (1) above to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. Based on the Site Investigation Scheme and the detailed risk assessment (2), an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A Verification Report providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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

The scheme shall be implemented as approved above and, prior to commencement of any construction work (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a Verification Report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of that remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. The report shall also include a long-term monitoring and maintenance plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification report, and for the reporting of this in writing to the Local Planning Authority.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with Arun Local Plan policies QE SP1 and QE DM4. This is required to be a pre-commencement condition because these details have to be agreed and in place before any work commences.

- 9 No development above damp proof course (DPC) level shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme including details of hard and soft landscaping and details of existing trees and hedgerows to be retained. The approved details of the landscaping shall be carried out in the first planting and

seeding season, following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of landscape character and visual amenity in accordance with policies LAN DM1 and D DM1 of the Arun Local Plan.

- 10 No development above damp proof course (DPC) level shall take place until a scheme for protecting the proposed dwellings from noise from road traffic on the A259 and from nearby commercial properties (including the recycling centre at Elbridge Farm) have been submitted to and approved in writing by the Local Planning Authority. Any works which form part of the scheme approved by the Local Planning Authority shall be completed before any permitted dwelling is occupied unless an alternative period is agreed in writing by the Local Planning Authority.

In addition, a scheme to demonstrate that the external noise levels within the curtilage of residential units will conform to the 'Design criteria for external noise' upper guideline value of 55 dB LAeq,T as specified within section 7.7.3.2 of BS 8233:2014 Guidance on sound insulation & noise reduction for proposed developments shall be submitted to and approved in writing by the Local Planning Authority prior to any development above damp proof course (DPC) level. The work specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the premises and be retained thereafter.

Reason: To protect the amenity of future local residents in accordance with Policy QE DM1 of the Arun Local Plan.

- 11 No development above damp proof course (DPC) level shall take place until full details of the placement of bird, bat and hedgehog nesting facilities within the site have been submitted to and approved in writing by the Local Planning Authority. The approved details shall then be implemented in full prior to occupation and thereafter retained to the satisfaction of the Local Planning Authority. The submission shall include:

- 1 bat brick integrated into the building onsite facing south/south westerly positioned 3-5m above ground;
- 1 bird box on the building and/or on a tree within the site; and
- 1 hedgehog nesting box within the site area.

Reason: To safeguard the ecology of the area, and in the interests of birds & bats in accordance with Arun Local Plan policy ENV DM5 and the National Planning Policy Framework.

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

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity and character and appearance of this rural area by endeavouring to achieve a building of visual quality in accordance with policy D DM1 of the Arun Local Plan.

- 13 No development above damp-proof course (DPC) level shall take place until details (including

elevations and materials) of all new boundary treatments within and around the site have been submitted to and approved by the Local Planning Authority and no dwellings shall be occupied until such boundary treatments associated with them have been erected. The details to be provided shall also ensure that gaps are provided at the bottom of the boundary treatments to ensure that hedgehogs and other small mammals are able to move into/out of and around the development.

Reason: In the interests of amenity and wildlife in accordance with policies D DM1 and ENV DM5 of the Arun Local Plan.

- 14 Prior to occupation of the dwelling, a scheme for the provision of facilities to enable the charging of electric vehicles to serve the approved dwelling 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 retained and maintained in good working condition.

Reason: New petrol and diesel cars/vans will not be sold beyond 2030, to mitigate against any potential adverse impact of the development on local air quality and to provide sustainable travel options in accordance with policies T SP1, T DM1 & QE DM3 (c) of the Arun Local Plan, the Arun District Council Electric Vehicle Infrastructure Study (November 2017) and the National Planning Policy Framework (NPPF).

- 15 No part of the development shall be first occupied until such time as the vehicular parking and turning facilities have been provided in accordance with details to be submitted to approved in writing by the Local Planning Authority. These along with the access to the site shall then be constructed in accordance with the approved plans and permanently retained thereafter.

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

- 16 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 storage spaces shall thereafter be permanently retained and maintained in good working condition.

Reason: To provide alternative travel options to the use of the car in accordance with Arun Local Plan policies T SP1 & T DM1 and the National Planning Policy Framework.

- 17 The new dwelling shall not be occupied unless and until the applicant has submitted a scheme for approval by the Local Planning Authority to demonstrate that the development will incorporate decentralised, renewable and low carbon energy supply systems. The approved scheme shall thereafter be implemented prior to occupation of the dwelling 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.

- 18 Prior to the occupation of the new dwelling, a strategy for the provision of the highest available headline speed of broadband provision to future occupants of the site shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall consider the timetable for the delivery of 'superfast broadband' (defined as having a headline access speed of 24Mb or more) in the vicinity of the site (to the extent that such information is available). The strategy shall seek to ensure that upon occupation of a dwelling, the provision of the highest available headline speed of broadband service to that dwelling from a site-wide network is in

place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway. Unless evidence is put forward and agreed in writing by the Local Planning Authority that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure, the development of the site will continue in accordance with the approved strategy.

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

- 19 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 ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with Arun Local Plan policies QE SP1 and QE DM4.

- 20 No external lighting shall be installed on any of the buildings or within any parts of the site unless and until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The scheme should seek to conform with the recommendations within BS5489:1-2013 but also minimise potential impacts to any bats using the surrounding trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

Reason: In the interests of the amenities of the area, the site biodiversity (particularly in respect of bats), the interests of minimising crime and to minimise unnecessary light spillage outside the development site in accordance with policies QE SP1, QE DM2 & ENV DM5 of the Arun Local Plan.

- 21 No construction/demolition activities shall take place, other than between 08:00 to 18:00 hours (Monday to Friday) and 08:00 to 13:00 hours (Saturday) with no noisy works (defined as works involving plant, equipment, machinery) taking place on Sundays or Bank Holidays.

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

- 22 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by 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.

- 23 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to a financial contribution of £871 towards the Pagham Harbour Access Management Mitigation Measures.
- 24 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 via the following link: <https://beta.southernwater.co.uk/infrastructurecharges>.
- 25 INFORMATIVE: The development shall be carried out in accordance with the "Arun District Council Construction Code of Practice: For small developments in Arun" - see <https://www.arun.gov.uk/download.cfm?doc=docm93jjm4n12193.pdf&ver=12201>
- 26 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.
- 27 INFORMATIVE: This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0345 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.