

REPORT UPDATE

Application No: BR/129/21/OUT

Reason for the Update / Changes

Reason for Update/Changes:

The s106 is still being prepared so there is no change to the recommendation in respect of this.

The Councils Landscape Officer responded on 12/07/21 but provides the same response as for the previous application (this is already set out in the report).

The Councils Ecologist responded on 11/07/21 and stated that:

- Bat surveys are required for the on-site buildings;
- The lighting scheme will need to be bat friendly;
- A bat brick will need to be installed on the site facing south/south west and positioned 3-5m above ground;
- A bird box will be required on either the building or a tree in the garden;
- No works to trees or clearance of vegetation during the bird breeding season;
- Conditions required in respect of hedgehogs, biodiversity net gain and sustainability.

At the time of writing (22/07/21), the bat surveys have not been received but the applicant is aware of the need to provide these before the Committee Meeting so this will be subject to a verbal report update. Conditions have already been imposed in the recommendation regarding birds nests in the building (but not the trees as this is covered by separate legislation), biodiversity enhancements (including hedgehogs & bat/bird boxes) and lighting.

An additional objection has been received on the basis of overdevelopment/character and road safety/congestion. The objector suggests a development of four retirement flats would be more appropriate.

The National Planning Policy Framework was revised on 20/07/21. There are references to 5 specific NPPF paragraphs in the report and the following is an analysis of the changes to these:

- Para 117 becomes para 119 but no change to the text;
- Para 118 becomes para 120 but no change to the text;
- Para 175 becomes para 180 with some changes to the wording of criteria (c) concerning the support of schemes to improve or integrate biodiversity. However, this is not relevant to this application;
- Para 189 becomes para 194 but no change to the text; and
- Para 197 becomes para 203 but no change to the text.

Officers Comment:

There are no changes to the recommendation or conditions.

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

Recommendation Report for Outline Consent

REF NO: BR/129/21/OUT

LOCATION: 26 Burnham Avenue
Bognor Regis
PO21 2JU

PROPOSAL: Outline application with all matters reserved for up to 10 No. new dwellings with associated services, landscaping, car parking & amenity (resubmission following BR/190/20/OUT).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal seeks outline permission for the demolition of the house and erection of up to 10 dwellings (net gain of up to 9 dwellings). Details of scale, appearance, landscaping, access and layout are all reserved at this time. The application is accompanied by an illustrative drawing showing site, floor and elevation plans plus a streetscene, however, these are not being determined at this time.
SITE AREA	0.1378 hectares
RESIDENTIAL DEVELOPMENT DENSITY	Up to 73 dwellings per hectare.
TOPOGRAPHY	Predominantly flat but undulating to the rear garden. Part of the rear garden adjacent to 24 is raised slightly above a small underground cellar/store.
TREES	Some large trees in the rear garden particularly on the rear boundary and in the north east corner. Smaller trees along the north west (side) boundary, on the east side of the rear garden and in the front garden.
BOUNDARY TREATMENT	1.5m high brick wall with 2.2m high timber fencing to the rear and north west sides of the rear garden. The front has a mix of hedge & low wall/fence. There is a 1.5m high brick wall to the south east boundary with 24.
SITE CHARACTERISTICS	Large two storey detached dwelling of brown brick with some white render and timbering to front first floor. Plain clay tile roof. Sides and rear brick finish. Two chimney stacks. Detached pitched roof timber garage to side with area of hardstanding between it and no. 24. Access off Burnham Avenue to the front.
CHARACTER OF LOCALITY	Residential area with reasonably substantial detached dwellings but no purpose built flatted buildings. Mixture of design and materials. Neighbouring properties consist of: 28 Burnham Avenue - Detached two storey former house with substantial rear projection. Previously a nursing home with

permission BR/37/17/PL which allows occupation as care home for unaccompanied minors. Has several ground and flank windows on the elevation adjoining the site and these are noted to serve bedrooms, kitchens, bathrooms and an office.

24 Burnham Avenue - Detached two storey house with ground floor flank door and kitchen/utility windows facing the site. The rear elevation has a lounge window on the side away from the shared boundary but bedroom windows at first floor across the width.

1 Burnham Gardens - Semi-detached two storey dwelling which is flank on to the rear boundary. It has a few flank secondary type windows overlooking the site including a large one which appeared to serve the stairs and one in the roof (which has a side gable and rear dormer).

Brackley, Burnham Gardens - Detached bungalow situated part to the rear of the site (behind no. 1 Burnham Gardens). No visible windows on the flank which faces the site.

RELEVANT SITE HISTORY

BR/190/20/OUT	Outline application with all matters reserved for up to 10 No. new dwellings with associated services, landscaping, car parking & amenity (resubmission following BR/49/19/OUT).	Withdrawn 01-12-20
BR/49/19/OUT	Outline application with all matters reserved for 22 No. new dwellings consisting of 2 No. 1 bed dwellings, 18 No. 2 bed dwellings & 2 No. 3 bed dwellings.	Withdrawn 14-10-19
BR/213/16/HH	Demolition of existing garage, creation of 2 storey side extension to create integral garage with storage/play area above & single storey rear extension.	ApproveConditionally 18-10-16

There have previously been permissions for improvement/enlargement works to the house and gardens but these have not been implemented. The previous two applications were withdrawn due to concerns first over overdevelopment and then over a lack of biodiversity surveys and no agreement to the necessary planning obligations.

REPRESENTATIONS

Bognor Regis Town Council object on grounds of access & highway safety, traffic generation, overbearing nature, design & appearance, visual impact, layout, density of buildings and loss of ecological habitat. It is stated the scale and design of the building fails to reflect the character of the area

in conflict with Arun Local Plan policy D SP1. Due to the significant impact on the road network, it is contrary to Policy 8b of the Bognor Regis Neighbourhood Development Plan.

12 letters of objection raising the following concerns:

- (a) Overdevelopment;
- (b) Harm to local character with no other instances of flats;
- (c) Loss of old house;
- (d) Scale of the proposed flatted building;
- (e) Impact on highway safety;
- (f) Increased highway congestion due to existing on-street parking levels;
- (g) Insufficient parking provision (only 1 per flat);
- (h) Risk of structural damage to road surface/drains from additional traffic;
- (i) Harm to wildlife inc bats, birds, hedgehogs;
- (j) Ecological Survey is incorrect;
- (k) Impact on infrastructure;
- (l) Insufficient foul sewage system;
- (m) Increased surface water flooding of Burnham Avenue; and
- (n) Construction impacts inc dust

COMMENTS ON REPRESENTATIONS RECEIVED:

The application is submitted in outline with all matters reserved and solely seeks approval of the principle of demolition of the house and redevelopment with up to 10 dwellings. The plans are illustrative only and any approval of this application will not authorise the submitted layout, appearance, scale or density.

The Local Planning Authority (LPA) retain full control of the detailed scheme through a Reserved Matters application at which point it will be appropriate to consider the detailed matters including character, site layout, parking, space standards, relationship to trees and residential amenity. It may be the case that the LPA determines that the development shown on the submitted drawings is unacceptable.

As such those objections relating to any matters reserved for later approval are not relevant at this time. Instead, this report will focus on the loss of the house, the principle of residential redevelopment (including with reference to biodiversity & drainage) and infrastructure requirements.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

HIGHWAYS ENGLAND - Raise no objection on the basis of no impact on the strategic road network.

NATURAL ENGLAND - No objection but require the Local Planning Authority carries out an Appropriate Assessment to assess the impact of increased recreational disturbance arising from the proposal on the Pagham Harbour Special Protection Area (SPA) & Ramsar Site.

SUSSEX POLICE - No significant concerns but list advisory notes regarding improving security for the development (see letter on the website dated 24 May 2021).

WSCC HIGHWAYS - No objection on safety or congestion grounds subject to additional details being provided at the reserved matters stage. Comment that:

- Burnham Avenue is unclassified public highway subject to a 30mph restriction;
- There are no parking restrictions on Burnham Avenue, on-street parking takes place on both sides of the carriageway;
- The nearby junction with Victoria Drive is protected by double yellow line junction protection markings;
- The existing dropped kerb would need to be extended to provide access to the rear;
- Access route shown on illustrative plans is not wide enough for 2 cars to pass in opposing directions;
- The LPA may want to consider the impact of the loss of existing on-street parking on local amenity;
- The site is well located in respect to options for sustainable transport use including bus, rail, walking and cycling meaning that not all daily journeys would be reliant on the private car.

ADC DRAINAGE ENGINEER - No objection subject to standard conditions. State that:

- Groundwater levels are expected to be reasonably high therefore would expect to see permeable paving to be incorporated for not only the car parking areas but the driveway also, not only to provide a water storage/infiltration structure but to aid water treatment;
- If infiltration proves not to be viable, then a public surface water sewer exists in Burnham Avenue, to which a connection will need to be sought from Southern Water. The discharge will need to be restricted to an agreed rate and onsite attenuation provided for the 1 in 100 year event plus 40% on stored volumes;
- Conditions ensure the development will be adequately drained and not increase flood risk elsewhere.

ADC LANDSCAPE OFFICER - No response - comments received to BR/190/20/OUT stated:

- Landscape mitigation required to minimise impact on the streetscene and to site boundaries;
- Existing trees will need to be retained & protected with any removals agreed with the Tree Officer;
- Should the development not be liable for CIL then contributions would be required for off-site open space, off-site children's play and off-site playing pitch facilities.

ADC ENVIRONMENTAL HEALTH - No objection. Request conditions to secure a Construction Environmental Management Plan & Electric Vehicle charging and to control hours of working conditions. Consideration must be given to air quality issues.

ADC TREE OFFICER - No response however comments to BR/190/20/OUT raised an objection on the grounds that no supporting information arboricultural information had been submitted.

COUNCILS ECOLOGIST - Any comments will be reported at the meeting. Previous comments from BR/190/20/OUT recommended a series of biodiversity enhancements.

COMMENTS ON CONSULTATION RESPONSES:

All comments noted except where discussed below.

NATURAL ENGLAND - An Appropriate Assessment has been issued to Natural England for review and they responded on 05/07/21 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.

WSCC HIGHWAYS - Conditions will be imposed to ensure the Reserved Matters submission is accompanied by (1) a Lambeth based Parking Capacity Survey, (2) details of swept path tracking plans

to demonstrate that cars can turn on site and (3) an appropriate width of access to allow two cars to pass. It is not appropriate to consider the impact of loss of on-street parking on amenity grounds as the application is in outline with no details on number of dwellings/access arrangements.

ADC LANDSCAPE OFFICER - As the development results in a maximum net gain of 9 dwellings, in accordance with the Councils Open Space SPD, the only off-site contribution requirement is for open space. Off-site play/playing field contributions only apply to schemes of 10 or more (net) dwellings.

ADC TREE OFFICER - Noted - as this application is outline with all matters reserved, it is not possible to consider the impact on trees at this time. A condition will be imposed to ensure that the Reserved Matters application is accompanied by sufficient supporting arboricultural information.

POLICY CONTEXT

Designations applicable to site:

Within the Built Up Area Boundary;
 Within 5km of Pagham Harbour Special Protection Area/SSSI;
 Within 2km of Bognor Reef SSSI;
 Within 2km of Felpham SSSI; and
 PD Restriction.

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
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
HERSP1	HER SP1 The Historic Environment
HERSP1	HER SP1 The Historic Environment
HWBSP1	HWB SP1 Health and Wellbeing
QESP1	QE SP1 Quality of the Environment
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
INFSP1	INF SP1 Infrastructure provision and implementation
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development

TELSP1	TEL SP1 Strategic delivery of telecomms infrastructure
WDM1	W DM1 Water supply and quality
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management

[Bognor Regis Neighbourhood Plan 2015 Policy 1](#) Delivery of the Vision

PLANNING POLICY GUIDANCE:

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

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
SPD12	Open Space, Playing Pitches & Indoor & Built Sports Facilities
SPD13	Arun District Design Guide (SPD) January 2021

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, 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.

Bognor Regis Neighbourhood Development Plan policy 1 is relevant to his outline application and is considered in 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 principle of a residential redevelopment of this urban site with up to 10 dwellings is in accordance with the development plan and will not have any significant adverse effects on heritage, biodiversity, drainage or climate change.

Section 70(2) of 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.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE:

The site lies in the built up area boundary where development is acceptable in principle in accordance with policy SD SP2 of the Arun Local Plan (ALP) provided it accords with other policies of the Local Plan covering such issues as heritage assets, drainage, biodiversity, climate change and infrastructure.

ALP policies D DM1 and D SP1 seek to ensure that developments make an efficient use of land whilst preserving or improving upon local character. The Arun Design Guide states density should be appropriate to location, balancing the need for efficient use of land with a design that responds to and enhances the existing character of the site or wider locality. In general, higher densities will be appropriate in town and village centres, along strategic routes, and around key movement intersections with good access to public transport and facilities.

Layout is a reserved matter and as the applicant has agreed to a description that states "up to 10 dwellings", there is no need to ensure at this time that 10 dwellings can be accommodated within the site whilst meeting all other policies. Instead, these considerations will be undertaken on a future reserved matters application. Whilst such a scale of development would likely have an adverse impact on local character, the same outline would allow for a much smaller form of development which could be accommodated with minimal impact and so it is not appropriate to consider this at the current time.

The National Planning Policy Framework (NPPF) seeks to promote the effective use of all land (para 117) and gives weight to proposals that develop under-utilised land (para 118d). However, this is not to be at the expense of local character.

HERITAGE:

According to historical maps, the existing building dates to the 1930's. It has not been formally designated by the Council as a Building or Structure of Character (BSC) but is noted by local residents as being an attractive old building. As such it could be considered as a non-designated heritage asset.

The National Planning Practice Guidance states that local planning authorities may identify non-designated heritage assets as part of the decision-making process on planning applications and that irrespective of how they are identified, it is important that the decisions to identify them as non-designated heritage assets are based on sound evidence. In this case, the sound evidence is the age of the building.

ALP policy HER SP1 states that development likely to prejudice Non-Designated Heritage Assets and their settings will be refused. Bognor Regis Neighbourhood Development Plan (BRNDP) policy 1 states that proposals must identify the significance of any affected heritage asset and assess any harm and benefit.

The NPPF sets out several steps that must be followed when considering impact on heritage assets. Para 189 requires applicants to describe the significance of heritage assets affected, including any contribution made by their setting. The applicant has not provided any specific statement to address this

but the Design & Access Statement does state that the dwelling is typical of the kind of residential house built in the 1930's with traditional features such as cat-slide roof, leaded windows, brick ground floor, rendered first floor, exposed fake timber panels and a terracotta pantile roof.

Para 197 advises that harm to non-designated heritage assets should be subject to a balanced judgement having regard to the scale of any harm/loss and the significance of the heritage asset. The loss of an attractive building would be unfortunate however beyond it being from the 1930's, it has no real heritage value and demolition would facilitate new housing development with associated benefits to the local community and a contribution to the housing land supply shortfall. On this basis, it is acceptable to allow demolition and there is no conflict with ALP policy HER SP1 or BRNDP policy 1.

BIODIVERSITY:

ALP policy ENV DM5 requires that proposals achieve a net gain in biodiversity and protect existing habitats on site. Proposals 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 175 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, then permission should be refused. Government guidance states the Local Planning Authority (LPA) must consider how a development might affect protected species on or near a development site when assessing a planning application and this requires the submission of appropriate surveys. Permission should be refused if there is insufficient information to assess the effect on a protected species.

The proposal results in the demolition of the house and detached garage plus the development of the gardens. Anecdotal evidence from local residents reports bats, slow worms and bird species are active in the area. The application is accompanied by a Preliminary Ecological Appraisal including a Preliminary Roost Survey. This is based on a desktop study/site visit and identified the potential for bat/small bird roosts in the house. The bird roost potential is acceptable provided that the dwelling is demolished outside of the bird breeding season (or is checked by an ecologist prior to demolition).

The survey recommends dawn/dusk bat surveys are carried out in mid-May to August to determine if the house is used as a bat roost. The applicant stated these further surveys are being progressed and that the results will be available by the date of the Committee. Subject to these finding no roosts the proposal will be acceptable and there will be no policy conflict. If roosts are found, then permission may still be granted with additional mitigation measures.

The survey states hedgehogs may be active in the gardens but that there is no suitable habitat for reptiles and there is no reason to doubt this assessment given the qualifications of the consultant.

The application proposes no details of biodiversity net gain however this is acceptable on the basis of it being in outline with no detailed proposals. Conditions will be imposed requiring the reserved matters scheme include full details of biodiversity enhancements reflecting the recommendations of the report as well as comments of the Councils ecologist from the previous application. On this basis and subject to the results of the bat surveys (which may necessitate the need for additional conditions), there is no conflict with ALP policy ENV DM5.

SURFACE WATER DRAINAGE:

The site is not affected by any flooding from rivers/sea. ALP policy W DM3 requires that all development identify opportunities to incorporate a range of Sustainable Urban Drainage Systems (SuDS) appropriate to the size of development, at an early stage of the design process. The application states surface water

drainage will be disposed of to soakaways or SuDS but no details are given as the application is in outline.

The Council's drainage engineer did not object and considers either infiltration & permeable paving could be used or, with agreement from Southern Water, discharge to a public sewer. Conditions are recommended and the engineer states these will ensure the development will be adequately drained and will not increase flood risk elsewhere. As there are no objections to the principle of drainage, there is no conflict with the relevant policy.

FOUL DRAINAGE:

ALP policy W DM1 states all major developments must demonstrate adequate foul drainage capacity exists or can be provided as part of the development. Where adequate capacity does not exist, there is a requirement that facilities are upgraded prior to the completion and occupation of development.

Although this proposal is for up to 10 dwellings, so is correctly classified as a major application, given the presence of a house on site, the net number of dwellings is up to 9 and on that basis it would not be a requirement to demonstrate foul drainage capacity.

The application does not specify how foul sewage will be disposed of but it is likely that this will be to a Southern Water sewer as per the house. This would be an acceptable arrangement and there is no conflict with the relevant policy.

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 a condition will be imposed to secure the provision of renewable energy measures and this will ensure compliance with the policy.

INFRASTRUCTURE:

ALP policy INF SP1 requires development proposals provide or contribute towards the infrastructure & services needed to support development to meet the needs of future occupiers and the existing community. The introduction of the Community Infrastructure Levy (CIL), it is no longer possible to secure financial contributions for off-site projects through a s106 unless the CIL charging schedule does not cover the type of development proposed.

This development is liable for the Community Infrastructure Levy (CIL) but it is not possible to calculate this at outline stage due to there being no confirmation of the number of dwellings/floor areas. Whilst new houses in this location would be subject to CIL, new flats are not - and it is appropriate to use s106 to collect infrastructure contributions for flatted developments.

The proposal is for up to 10 dwellings and so there is no certainty as to the number of dwellings that will be permitted. It is proposed any s106 contributions (only relevant for new flats) be secured on the basis of a contribution per net new flat. This will ensure that the sum collected reflects the final mix of flats and houses. Any houses proposed will then be subject to CIL in the normal way.

With the net number of dwellings being only 9 and as per the relevant policies including the Council's Open Spaces SPD, there are no requirements for contributions to education, libraries, fire & rescue or for off-site Public Open Space, playing pitches, sports or leisure facilities. It is only proposed the s106 secure a contribution of £1730.30 for off-site play per net new flat alongside the Pagham Harbour

contribution as discussed below.

Overall, there is no conflict with ALP policies ENF SP1, OSR DM1 or the Open Space SPD.

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 up to 9 dwellings. This would require a contribution of £871 per new dwelling to a maximum of £7,839. Subject to this being secured by a s106, there will be no conflict with policy ENV DM2.

SUMMARY:

This application seeks agreement to the principle of a residential redevelopment of a residential site in the built up area boundary with up to 10 dwellings. This report concludes no harm in respect of principle, heritage, biodiversity, drainage or climate change and identifies no policy conflicts. It is not appropriate to consider other matters raised by objectors until reserved matters stage. The approval of this outline application does not give agreement to the scheme presented by the illustrative plans.

The proposal is recommended for approval subject to conditions and s106 agreement. As the s106 has not been completed, it is requested the final decision be delegated to the Group Head of Planning with authority to make minor amendments to s106 agreement if required.

Should the s106 not be signed within 4 months of the date of the Planning Committee's resolution to grant planning permission, then the application shall be refused for the following reasons:

(1) In the absence of a signed Section 106 agreement, the development makes no provision for contributions to off-site public open space, and is thereby contrary to the aims and objectives of the National Planning Policy Framework, Arun Local Plan policies INF SP1, HWB SP1 & OSR DM1 and the Council's supplementary planning document "Open Space, Playing Pitches, Indoor and Built Sports Facilities" (January 2020).

(2) In the absence of a signed Section 106 agreement, the application fails to make a financial contribution towards the cost of providing accessible natural open green spaces to mitigate the harm to the Pagham Harbour Special Protection Area and the proposal is therefore not in accordance with Arun Local Plan policies ENV DM1 and ENV DM2.

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.i

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 subject to a s106 legal agreement to include the following obligations:

PAGHAM HARBOUR - a contribution of up to £7,839 (£871 per new dwelling) towards agreed strategic access management measures to mitigate the harm to the Pagham Harbour Special Protection Area.

PUBLIC OPEN SPACE & PLAY - a contribution of up to £15,572.70 (£1730.30 per net new flat) to be spent on off-site play equipment at Hotham Park, Bognor Regis.

CIL DETAILS

This application is not CIL Liable due to it being in Outline.

RECOMMENDATION

APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT

- 1 The permission hereby granted is an outline permission under s92 of the Town and Country Planning Act 1990 (as amended) and an application for the approval of the Local Planning Authority to the following matters must be made not later than the expiration of 3 years beginning with the date of this permission:-

- (a) Layout;
- (b) Scale;
- (c) Appearance;
- (d) Access;
- (e) Landscaping.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be begun either before the expiration of 5 years from the date of this permission, or before expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

- 3 The development hereby approved shall be carried out in accordance with the approved

drawing ADS-005-P which includes the location plan, existing block plan and existing streetscene. The approval of this outline application does not give any agreement to the scheme presented by the illustrative plans.

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

- 4 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).

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

- 5 The demolition of the house and garage should be carried out between September and January inclusive to avoid impacting on breeding birds. If demolition during the breeding season is unavoidable, the buildings shall be first checked before work commences by a suitably qualified ecologist to identify active birds' nests. Should any nests be present, the nest and a suitable buffer around it, must be retained until it has been confirmed by an ecologist that the young have left the nest or that the nest is no longer active.

Reason: To mitigate harm to breeding bird in accordance with Arun Local Plan policy ENV DM5 and the National Planning Policy Framework.

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

- a) An indicative programme for carrying out of the works;
- b) Details of the arrangements for public engagement/consultation both prior to and continued liaison during the construction works;
- c) Measures to minimise the noise (including vibration) generated by the construction process to include proposed methods of piling for foundations, the careful selection of plant & machinery and use of noise mitigation barrier(s);
- d) Details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination;
- e) The parking of vehicles of site operatives and visitors;
- f) Loading, unloading and storage of plant & materials, including permitted times for deliveries;
- g) The erection and maintenance of security hoarding, where appropriate;
- h) The provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway;
- i) Measures to control the emission of dust and dirt during construction;
- j) A scheme for recycling/disposing of waste resulting from demolition and construction works i.e. no on-site burning permitted;
- k) The covering of deep pits, trenches or holes on the site overnight (or providing these with a plank as a means of escape);
- l) The storage and safe disposal of any chemicals or pollutants used or created by the development.

Reason: To protect the amenity of local residents and local wildlife in accordance with policies ENV DM5 and QE SP1 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to have the construction site set-up agreed prior to access by construction staff.

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

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

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

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

- 9 At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low carbon energy sources (as described in the glossary at Annex 2 of the NPPF) unless it can be demonstrated that a fabric-first approach would achieve an equivalent energy saving. Details and a timetable of how this is to be achieved for each phase or sub phase of development, including details of physical works on site, shall be submitted to and approved in writing by the Local Planning Authority before any development in that phase or sub phase begins. The development shall be implemented in accordance with the approved details and timetable and retained as operational thereafter.

Reason: In order to secure a reduction in the use of energy at the site in accordance with national planning policy and policy ECC SP2 of the Arun Local Plan. This is required to be a pre-commencement condition because the approved measures may need to be built into the fabric of the buildings.

- 10 Prior to the commencement of development a detailed level survey of the site including existing and resulting ground levels and the slab levels of the building the subject of this approval, shall be submitted to and approved by the Local Planning Authority. The development shall proceed only in accordance with the details thus approved and there shall be no subsequent raising of levels without prior written approval of the Local Planning Authority.

Reason: In order to safeguard the amenities of the area and neighbouring residents in accordance with policy D DM1 of the Arun Local Plan.

- 11 The development shall be carried out in complete accordance with the recommendations of the Preliminary Ecological Appraisal and Preliminary Roosts Assessment Survey (29 March 2021) by Arbtech and the Reserved Matters submission shall include the following mitigation measures built into the scheme:

- Bat bricks/tiles integrated into the buildings facing south/south westerly and positioned 3-5m above ground;
- Sufficient Swift boxes for 6 pairs of birds to be installed on the buildings and/or trees within the garden;
- Log piles on the site;
- Gaps included in the bottom of fences to allow movement of small mammals across the site;
- Two hedgehog nesting boxes included on the site;
- Full details of lighting proposals in accordance with the recommendations of the Survey report.

Reason: To mitigate harm to wildlife species using the site particularly bats, hedgehogs and reptiles in accordance with Arun Local Plan policy ENV DM5 and the National Planning Policy Framework.

- 12 The landscape details referred to in condition 1 shall include details of all existing trees and hedgerows on the land indicating which are to be retained and which are to be removed. These required details are to include a 'Tree Survey Schedule', a 'Root Protection Area (RPA) Schedule', a 'Tree Constraints Plan', and in the event that a root protection area of any tree which is proposed for retention overlaps the development, then an 'Arboricultural Method Statement' and a 'Tree Protection Plan'. Development shall be carried out in accordance with the approved details. No hedge or tree shall be felled, uprooted or otherwise removed before, during or after the construction period except where removal is indicated on a plan approved by the local planning authority.

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

- 13 The landscape scheme required by and referred to in condition 1 shall incorporate the following biodiversity improvements

- additional planting benefitting invertebrates and bats including both day & night flowering species;
- any trees removed should be replaced at a ratio of 2:1 with new native species;
- the use of wildflower meadow planting;
- filling in any gaps in tree lines or hedgerows with new native species;
- management of grassland areas to benefit reptiles.

Reason: In accordance with Arun Local Plan policy ENV DM5 and the National Planning Policy Framework.

- 14 The layout, scale and appearance details referred to in condition 1 shall include a scheme for the provision of facilities to enable the charging of electric vehicles to serve the approved dwellings.

Reason: New petrol, diesel and hybrid cars/vans will not be sold beyond 2030, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with policy QE DM3(c) of the Arun Local Plan, the Arun Parking Standards SPD and the National Planning Policy Framework.

- 15 The layout and access details referred to in condition 1 shall include the following supporting

information:

- A Lambeth methodology based Parking Capacity Survey;
- Swept Path drawings to demonstrate that a car can turn on the site; and
- Sufficient access road width to ensure that two cars can pass each other.

Reason: In accordance with Arun Local Plan policy T SP1 and the National Planning Policy Framework.

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

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

- 17 If any residential properties are to be completed and occupied prior to the whole development being finished, then a scheme to protect those early occupants from noise and vibration associated with construction activities should be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented in full and retained throughout the rest of the construction process.

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

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

- 19 INFORMATIVE: Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm event plus 40% on stored volumes/rainfall intensity (allowance for climate change) between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year storm event plus 40% on stored volumes/rainfall intensity. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers.

Supplementary guidance notes regarding surface water drainage are located here: <https://www.arun.gov.uk/drainage-planning-consultations>. A surface water drainage checklist is available on Arun District Councils website, this should be submitted with a Discharge of Conditions Application.

- 20 INFORMATIVE: If during construction works, it becomes apparent that implementation cannot be carried in accordance with previously agreed details any resubmission of the drainage design must be accompanied by an updated copy of the management manual.
- 21 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read the New Connections Services Charging Arrangements documents which is available to read on:- <https://beta.southernwater.co.uk/infrastructurecharges>.
- 22 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to the following obligations:

PAGHAM HARBOUR - a contribution of up to £7,839 towards the agreed strategic access management measures to mitigate the harm to the Pagham Harbour Special Protection Area.

PUBLIC OPEN SPACE & PLAY - a contribution of up to £15,572.70 (£1730.30 per new dwelling) to be spent on off-site play equipment at Hotham Park in Bognor Regis.

- 23 INFORMATIVE: In the interests of crime prevention and deterrence, the development should incorporate security measures in accordance with the consultation advice of Sussex Police (dated 24/05/21) as available on the Councils website.
- 24 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.
- 25 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.
- 26 INFORMATIVE: This application may be liable for CIL in accordance with the Councils CIL Charging Schedule available to view at: <https://www.arun.gov.uk/cil>.
- 27 INFORMATIVE: The applicant should be aware that a Natural England Protected Species License may be required for the demolition works, and this will need to be obtained prior to any works taking place.
- 28 INFORMATIVE: The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received. For further information please contact the Environmental Health Department on (01903) 737555