

Recommendation Report for Planning Permission

REF NO: BR/90/18/PL

LOCATION: Formerly Westside Supplies Unit
West of 17 & 18 Durban Road
Bognor Regis
PO22 9QT

PROPOSAL: Demolition of two storey building & erection of three storey block of 8 No. one bedroom flats & 6 No. two bedroom flats with access from Durban Road (resubmission following BR/87/16/PL).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal involves the erection of a three storey block of flats comprising 8 one bed and 6 two bed flats on land which previously housed a vacant two storey commercial building. The layout of buildings on the site is in the form of a rectangular building with its principal frontage to Durban Road and a return frontage to Ash Grove, allowing car parking at the rear, with access from Durban Road under the upper floors of the building. The rear car park would provide parking for 15 cars and a shelter for the storage of up to 15 cycles. A bin store (open area with 1.3m high brick wall surround) would be provided to the south-east of the building. The new building is three storeys to reflect the scale of surrounding development, both existing in Ash Grove and the relatively new development known as Ventura opposite the site in Durban Road. Further detail on hard and soft landscaping of the site would be required by condition but the illustrative drawings submitted show that there is adequate space and opportunity for acceptable landscaping and open space around the new building. New boundary treatments are shown as 1m high post and rail backed with hedging to the road boundaries and 1.8m high timber fencing to the other boundaries.
SITE AREA	0.11 hectares. The footprint of the proposed building is 381m ² .
RESIDENTIAL DEVELOPMENT DENSITY (NET)	127 dwellings per hectare.
TOPOGRAPHY	Predominantly flat. The site is below highway level by approximately 0.5 metres.
TREES	A group of 6 mature trees are located in the north eastern corner of the site. These are marked on the site plan.

BOUNDARY TREATMENT	1.5 metre high wire mesh site to the rear of the site. The remainder is open.
SITE CHARACTERISTICS	The site was previously occupied by a two storey industrial building which had block-work at ground floor level and a mansard roof of slates above. The building was last used as a warehouse/office but has been demolished. The site is part hardstanding (i.e. where the previous building stood) and part grassed.
CHARACTER OF LOCALITY	Single storey industrial units located to the south of the site which form the edge of the Durban Road Industrial Estate. A relatively new residential development of flats two and three storeys high, known as Ventura, is located diagonally opposite the site on Durban Road. Two storey semi-detached house immediately opposite and then two storey terraced dwellings on Ash Grove.

RELEVANT SITE HISTORY

BR/87/16/PL	Demolition of two storey building & erection of three storey block of 8 No. one bedroom flats & 6 No. two bedroom flats with access from Durban Road.	Refused 30-05-17
BR/156/15/DOC	Application for approval of matters reserved by condition imposed under BR/198/11 relating to conditions 4, 12 & 13 - Scheme to deal with risks of contamination (4), Cycle & Bin storage (12) & scheme for provision of foul & surface water drainage (13)	DOC Refused 14-09-15
BR/198/11/	Outline Application with some matters reserved for demolition of derelict two-storey building and erection of three-storey block of eight one-bedroom flats and six two-bedroom flats with access from Durban Road. Re-Submission following BR/341/10. This application also falls within the parish of Bersted.	App Cond with S106 09-01-12

A similar scheme for a block of eight one-bedroom flats and six two bedroom flats with access from Durban Road was granted outline permission in 2012 (ref BR/198/11/). This was subject to a legal agreement to secure contributions of £17,706 to off-site affordable housing and £10,416 for additional education, library and fire & rescue provision.

Application BR/87/16/PL sought full permission for the same development as now submitted. It was refused under delegated powers due to the applicant not being able to agree to the requirements in respect of off-site affordable housing or infrastructure provision. At that time, the required infrastructure contribution was £43,976 and the requirement in respect of off-site affordable housing was £86,750. The latter had however been reduced from £135,000 following a lengthy process of negotiation including an

independent assessment of viability.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bognor Regis Town Council

No objection from the Town Council and no local resident comments received.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

Engineering Services Manager

Engineers (Drainage)

Parks and Landscapes

Surface Water Drainage Team

Economic Regeneration

Arboriculturist

Planning and Housing Strategy

Sussex Police-Community Safety

Environmental Health

Environment Agency

NHS Coastal West Sussex CCG

WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

NHS - No response received.

ENVIRONMENT AGENCY - Raise no objection subject to the inclusion of a planning following condition necessary to implement the finished floor levels specified by the submitted Flood Risk Assessment. Also recommend a series of informatives.

SUSSEX POLICE CRIME PREVENTION DESIGN ADVISER - No response received. However, a response was received to the previous application which was summarised in the previous report as:

"The rear car park is overlooked by active rooms within the development which will provide good observation over the parking area. There is a good indication of defensible space and suitable boundary treatment which consists of post and rail fence and 1.8m high fencing around the development. Advice given on post arrangements either through the wall, eternally or lobby situated secure post boxes. Recommendation that accredited communal doors, front doors along the ground floor or any easily accessible windows are fitted within the development. An access control system, should be present with remote access facility from the flats. Lighting in and around the communal areas including car park will be a big consideration, and if implemented would benefit from meeting the requirements within BS5489:2013."

WSCC HIGHWAYS - Have assessed the application in respect of safety, parking, capacity and sustainability. Raise no objections subject to conditions in respect of construction management, provision of access before occupation, provision of vehicle & pedestrian visibility splays before occupation, provision of parking & turning areas before occupation, provision of cycle storage before occupation. Also request an informative regarding works to the highway.

WSCC INFRASTRUCTURE - State that the proposal generates the requirement for the following infrastructure contributions:

- £6,251 on additional equipment at Bersted Green Primary School.
- £6,727 on additional equipment at The Regis School.
- £1,576 on additional equipment at The Regis School Sixth Form.
- £3,003 on additional stock at Bognor Regis Library.
- £283 to be used towards the supply and installation of additional fire safety equipment to vulnerable persons homes in West Sussex Fire Rescue Services Southern Area serving Bognor Regis.

WSCC FLOOD RISK MANAGEMENT - Comment that the site has a low risk for surface water flooding although there are areas of higher risk on the carriageway adjacent to the site. However, the site has a high risk for ground water flooding. Raise no objections. State that no development should take place within 5m of any ordinary watercourse and that there should be no wholesale site levels rise.

ADC ECONOMIC DEVELOPMENT - State that although the development is on the edge of the industrial estate, it is on land that has been vacant for some while and for that reason no objection is raised.

AC GREENSPACE - Raise no objection and as the proposal is for a flatted development of 50 or less units, there is no requirement for public open space or a play area contribution. However, requests that landscaping be secured by condition in order to green and soften the development. Also states that a tree protection scheme should be in place for the existing trees prior to construction.

ADC TREE OFFICER - No response.

ADC ENVIRONMENTAL HEALTH - Have reviewed the contamination report and raise no objections subject to a condition regarding the reporting of unexpected contamination.

ADC DRAINAGE ENGINEERS - Request a surface water drainage condition and state that soakaways should be investigated for surface water disposal.

ADC HOUSING STRATEGY & ENABLING MANAGER - Notes that the Council's Affordable Housing policy requires that residential developments comprising 11 or more dwellings must provide 30% affordable housing onsite. However, the current application proposes no on-site provision and does not state any agreement to a contribution towards off-site provision. Therefore, raises an objection to the application.

COMMENTS ON CONSULTATION RESPONSES:

All comments noted. The application eventually agreed to the requested infrastructure and affordable housing contributions.

POLICY CONTEXT

Designations applicable to site:

Within Built Up Area Boundary;
 Class C Road;
 Flood Zone 3a; and
 Bognor Regis Neighbourhood Plan: 8i - Northern Part of Durban Road Industrial Area.

DEVELOPMENT PLAN POLICES

Arun Local Plan 2011 - 2031:

AHSP2	AH SP2 Affordable Housing
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP2	ECC SP2 Energy and climate change mitigation
HDM1	H DM1 Housing mix
HSP1	HSP1 Housing allocation the housing requirement
INFSP1	INF SP1 Infrastructure provision and implementation
QEDM4	QE DM4 Contaminated Land
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP1A	SD SP1a Strategic Approach
SDSP2	SD SP2 Built-up Area Boundary
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management

<u>Bognor Regis Neighbourhood Plan 2015 Policy 1</u>	Delivery of the Vision
Bognor Regis Neighbourhood Plan 2015 Policy 8A	Design Excellence
Bognor Regis Neighbourhood Plan 2015 Policy 8B	Car Parking
Bognor Regis Neighbourhood Plan 2015 Policy 8i	Northern part of Durban Road Industrial Area

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

XXX6	Interim Affordable Housing Policy
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POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

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

The Neighbourhood Development Plan

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

The relevant policies of the Bognor Regis Neighbourhood Development Plan are referred to in this determination.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to comply with relevant Development Plan policies in that it is located within the built up area boundary, also located within a sustainable location, in that it would have no materially adverse effect on the visual amenities of the locality/the established character of the surrounding area or on the amenities of nearby residential properties. The proposal is also now in accordance with the Councils policies on affordable housing and infrastructure provision.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE:

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

Regard should also be had to policy SD SP1 of the ALP which states that: "When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework."

It is considered that the site is in a highly sustainable urban location. It is served by street lit footway links with the nearest large retail store being 0.6 mile distant. The site is located in a mixed residential/industrial area and although there are additional services & amenities further afield, there are a number of regular bus services in the vicinity to Bognor Regis/Chichester and Bognor Regis Train Station is a 7 minute cycle ride from the site. Whilst the private car could be required for some longer distances, future residents would not need to rely on a car to be able to live comfortably.

It is also noted that paragraph 118 (d) of the NPPF states that "Planning policies and decisions should: promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing".

The site was formerly (within the previous 2003 Arun Local Plan) designated as being part of a protected employment area, however this protection has not been carried through into the current Local Plan which was adopted in 2018. The site is however included within the Northern Part of Durban Road Industrial Area designation within the Bognor Regis Neighbourhood Development Plan (BRNDP). Therefore policy 8i is applicable and this states that:

"Development Proposals are encouraged that contribute to the development of this area into a demonstration project for self-build/self-commissioned low carbon working and living with a mix of uses: industrial, residential, employment, small scale workshops with high numbers of jobs to the floor area. The development should provide future access to the existing sewerage infrastructure as required by the relevant authorities."

CHARACTER AND APPEARANCE:

Policy D DM1 of the Arun Local Plan requires that the Council have regard to certain aspects when considering development proposals including:

(1) Character - "Make the best possible use of the available land by reflecting or improving upon the character of the site and the surrounding area, in terms of its scale, massing, aspect, siting, layout, density, building materials (colour, texture), landscaping, and design features.";

(2) Appearance/attractiveness - "Demonstrate a high standard of architectural principles, use of building materials, craftsmanship and hard and soft landscaping to reflect the local area";

(13) Density - "The density of new housing will make efficient use of land while providing a mix of dwelling types and maintaining character and local distinctiveness. Higher densities will be more appropriate in the most accessible locations. Proposals should take into account the density of the site and its surroundings. The density of large sites should be varied to guard against uniformity"; and

(14) Scale - "The scale of development should keep within the general confines of the overall character of a locality unless it can be demonstrated that the contrary would bring a substantial visual improvement."

Furthermore, policy D SP1 "Design" states that:

"All development proposals should seek to make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details. Development proposals should have been derived from: a thorough site analysis and context appraisal; adherence to objectives informing sustainable design (inclusivity, adaptability, security, attractiveness, usability, health and wellbeing, climate change mitigation and habitats); and the influence these objectives have on the form of the development. With major developments or allocated sites in the Development Plan, in addition to a Design and Access Statement, a context appraisal, context plan and analysis of the site will also be required."

BRNDP policy 8a is relevant and states that:

"Development Proposals for sites marked as Key Priority Sites (8c to 8j) and other forthcoming Major Developments shall demonstrate 'excellence in design, especially design that will help establish a strong

sense of place and create attractive and comfortable places to live, work and visit. Development Proposals that fail to take the opportunities available for enhancing the local character and quality of the area and the way it functions will not be supported."

Paragraph 127 of the NPPF states that "Planning policies and decisions should ensure that developments: (b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)."

The site is located at the western end of Durban Road at its junction with Ash Grove where it is somewhat divorced from the industrial estate; the nearest industrial building is approximately 15m to the east of the site. Further west is Ash Grove where the site is overlooked by a long terrace of two storey residential properties located on the other side of the road. To the south and opposite the site in Durban Road is a 65 m long three storey block of 44 one bed flats known as Ventura.

The proposed building is modern in design, with walls to be constructed of a combination of brick and monocouche render with cement board cladding. The windows and doors are proposed to be dark grey powder coated aluminium with glass balcony guarding and stainless steel rails. The roof would be clad in a single sheet membrane with PVCu barrage boards which is considered to be in keeping with the contemporary appearance of the building.

It is therefore considered that given the site context, a flat building in this location would not be out of keeping with the existing character and appearance of the immediate locality and would accord with the above referenced development plan policies.

HIGHWAY SAFETY AND PARKING:

In respect of highway safety Arun Local Plan policy T SP1 states that:

"The Council will support transport and development which: Explains how the development has been designed to: (i) accommodate the efficient delivery of goods and supplies; (ii) give priority to pedestrian and cycle movements and have access to high quality public transport facilities; (iii) create safe and secure layouts for traffic, cyclists and pedestrians whilst avoiding street clutter."

In respect of parking, it states that:

"The Council will support transport and development which: incorporates appropriate levels of parking in line with West Sussex County Council guidance on parking provision and the forthcoming Arun Design Guide taking into consideration the impact of development upon on-street parking"

In addition, policy T DM1 requires that new development be located within easy access of established non-car transport modes/routes and also seek to contribute to the improvement of such routes & facilities.

Paragraph 108 of the NPPF states that: "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 also be had to paragraph 109 which states that: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

WSCC Highways have assessed this application and consider that there are no grounds to raise an objection on the matters of highway safety and parking. Their comments are set out in full on the Council's website.

The Council uses the West Sussex Demand Calculator to assess the likely parking demand of residential developments. The calculation is based on the size of the dwellings and the proposed parking provision including whether spaces are to be allocated to individual flats or offered on an unallocated basis. Provided that the parking spaces are to be unallocated, the requirement is for 12 spaces. This would need to be secured by a planning condition as it is noted that if the spaces were offered on an allocated basis then the calculator would require 19 spaces.

WSCC comment that the proposed parking bays meet the required 2.4m by 4.8m to be counted toward parking provision with 6m space rear of these to facilitate a turn on site, as per guidance in the Manual for Streets. It is also noted that the demand for on street parking in an industrial estate area reduces in the evenings when the workforce depart and leave road space for any residents who may be unable to access any of the unallocated spaces. Therefore, the proposal provides sufficient parking provision in accordance with Arun Local Plan policy T SP1 and also complies with the policy and with the NPPF in respect of highway safety.

RESIDENTIAL AMENITY:

Arun Local Plan policy D DM1 requires that the Council have regard to certain aspects when considering new development including: (3) Impact - "Have minimal impact to users and occupiers of nearby property and land. For example, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance." Regard should also be had to paragraph 127 of the NPPF which states that

"Planning policies and decisions should ensure that developments: (f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience."

The proposed flatted building is on a corner plot not directly adjacent to any neighbouring residential properties so it would be considered unlikely that it would have any impact on the amenity of any residential properties. It is noted that the building will be to the north of Durban Road and to the east of Ash Grove therefore there is not considered likely to be any harmful loss of light to the houses on the opposite side of Durban Road or on the west side of Ash Grove.

Furthermore, in terms of overlooking, the building's western flank elevation will be between 15m and 16.5m from the fronts of the Ash Grove dwellings opposite. The front of the building will then be around 18m from the closest part of 97 Durban Road opposite. These distances are considered to be sufficient to mitigate any potential harm from overlooking between windows.

The proposal is therefore considered to comply with Arun Local Plan policy D DM1.

SPACE STANDARDS:

Arun Local Plan policy D DM2 states that: "The planning authority will require internal spaces to be of an appropriate size to meet the requirements of all occupants and their changing needs. Nationally Described Space Standards will provide guidance".

It is therefore necessary to assess the proposal against the internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) in order to determine

whether the proposed accommodation is of an acceptable size. It is noted that all of one bedroom flats require an internal floor area of 50m² and provide either 50.6m² or 52.2m². Furthermore, all of the two bedroom flats require an internal floor area of 61m² and provide either 61.6m², 67.6m² or 70.1m². Therefore, all of the flats are in accordance with the guidance on internal space standards.

Policy D DM1 refers to the need for compliance with the Arun Design Guide. This is to part replace policy D DM3 "External Space Standards" which was deleted at the request of the Local Plan Inspector. Until such time as this Design Guide is published, there is no policy within the Arun Local Plan regarding private gardens sizes. However, paragraph 127 of the NPPF does state that planning decisions should ensure that developments have a high standard of amenity for existing and future users. The proposal includes a small amenity area on the western edge of the rear car park. In addition 8 of the upper floor flats are to be given a small balcony space. The site is also considered to be in reasonable walking distance of nearby parks and amenity spaces. On this basis, it is considered that the proposal is acceptable in respect of the provision of external amenity space.

FLOODING AND DRAINAGE:

The site is located within Fluvial Flood Zone 3a and it is noted that the primary concern is flooding from the Aldingbourne Rife.

Policy W DM2 of the Arun Local Plan 2011-2031 states that:

"Development in areas at risk from flooding, identified on the latest Environment Agency flood risk maps and the Council's Strategic Flood Risk Assessment (SFRA) , will only be permitted where all of the following criteria have been satisfied:

- a. The sequential test in accordance with the National Planning Policy Guidance has been met.
- b. A site specific Flood Risk Assessment demonstrates that the development will be safe, including access and egress, without increasing flood risk elsewhere and reduce flood risk overall.
- c. The sustainability benefits to the wider community are clearly identified.
- d. The scheme identifies adaptation and mitigation measures.
- e. Appropriate flood warning and evacuation plans are in place; and
- f. New site drainage systems are designed to take account of events which exceed the normal design standard i.e. consideration of flood flow routing and utilising temporary storage areas.

The reports prepared as part of the criteria above must take into account contingency allowances, taking climate change into account as set out in Flood Risk Assessments: climate change allowances section of the NPPG."

The National Planning Policy Guidance defines residential development as "More Vulnerable" development. Table 3 (paragraph ID 7-067-20140306) states that such development is only acceptable within Flood Zone 3a where the Exceptions Test has been met.

The Environment Agency are satisfied with the submitted Flood Risk Assessment subject to a condition to ensure that the finished floor levels are set no lower than 2.65m above Ordnance Datum (AOD). Therefore the proposal accords with policy W DM2 of the Arun Local Plan in that the development would not itself be at unacceptable risk of flooding.

In relation to surface water drainage, WSCC Flood Risk Management Team have commented that in order for the proposed development to be adequately drained using infiltration methods (soakaways) then ground water monitoring and percolation testing during winter months is required to determine the feasibility of using infiltration methods. ADC Engineers have recommended a standard condition which

would require this to take place prior to commencement of development, in addition to the details of the surface water drainage designs and their maintenance and management. To conclude, the application site accords with the relevant surface water drainage policy in the Arun Local Plan in that appropriate drainage capacity would be provided as part of the development.

AFFORDABLE HOUSING:

For all developments over 11 residential units, the Council requires the minimum provision of 30% affordable housing on site, as set out in policy AH SP2 of the Arun Local Plan and in the Interim Affordable Housing Policy (2010).

The following is a summary of the situation from the previous application (ref BR/87/16/PL) and is provided as background to this issue.

- It was previously accepted by the Councils Housing Strategy & Enabling Manager that a commuted sum contribution could be sought through a legal agreement in order to provide off-site affordable housing in lieu of the on-site requirement. It was requested that a commuted sum of £135,000 be provided but the applicant disputed this (as an earlier S106 agreement linked to ref BR/198/11) included a lower contribution of £17,706.

- The Councils Housing Strategy & Enabling Manager confirmed that the sum was correct and was consistent with the Council's policy - and that the increase was as a result of reductions in the amount of available grant and the increase in land costs since 2011. At that time, the applicant submitted a viability appraisal in order to justify a reduced contribution towards affordable housing of £17,706.

- The Councils Housing Strategy & Enabling Manager considered the evidence presented in the viability report and taking into account the Gross Development Value (GDV), costs, land value and competitive return to the developer/ landowner, concluded that the amount requested for affordable housing (£135,000) equates to 7.78% of the assumed GDV of £1,735,000. The Council's assessment was that this sum would not materially affect the overall scheme viability and was a reasonable obligation to seek. However, the NPPF and PPG set out that a flexible approach is to be taken to development viability and in this case the Council stated that it would be prepared to accept a lower commuted sum based on 5% of the scheme GDV which would be £86,750. The applicant did not agree to this and as a result, application BR/87/16/PL was refused.

The current application is a resubmission of BR/84/16/PL. However, upon receipt, there was no indication of a change in stance from the applicant as regards the affordable housing contribution. Following receipt of the current objection of the Councils Housing Strategy & Enabling Manager, the applicant's agent was approached for comment. An email was received in June 2018 from the agent to say that the applicant would agree to the legal agreement and a first draft was then sent to the applicant's solicitor in September 2018.

The Section 106 legal agreement has now been signed and completed and therefore, the proposal is in accordance with policy AH SP2.

OTHER INFRASTRUCTURE REQUIREMENTS:

Arun Local Plan policy INF SP1 states that:

"The Local Planning Authority will support development proposals which provide or contribute towards the infrastructure and services needed to support development to meet the needs of occupiers and users of the development and the existing community. Infrastructure provision and contribution towards

services should be delivered using the following approach:

- (1) Testing the capacity of existing infrastructure and where there is insufficient infrastructure capacity to support new development, mitigate the impacts of the development, provision should be secured and must be operational no later than the completion of the development or phase of development for which it is needed.
- (2) Infrastructure provision or improvements should be provided on-site as an integral part of a development, wherever possible and appropriate;
- (3) Off-site measures will require planning obligations or financial contributions, to secure the necessary provision; and
- (4) Where a contribution towards other district wide infrastructure improvements or provision is needed and viable this will be achieved through the Community Infrastructure Levy Charging Schedule and Regulation 123 Infrastructure List which will be introduced as soon as possible after the adoption of this Local Plan. Until such time as a Charging Schedule is adopted contributions will be achieved through planning obligations (where they meet the statutory tests).

Any on-site provision or financial contribution required to address unacceptable impacts must meet the statutory tests for planning obligations required by Regulation 122 of the Community Infrastructure Regulations 2010."

WSCC have requested the following financial contributions:

- £6,251 on additional equipment at Bersted Green Primary School.
- £6,727 on additional equipment at The Regis School.
- £1,576 on additional equipment at The Regis School Sixth Form.
- £3,003 on additional stock at Bognor Regis Library.
- £283 to be used towards the supply and installation of additional fire safety equipment to vulnerable persons homes in West Sussex Fire Rescue Services Southern Area serving Bognor Regis.

All of the above contributions/provisions are considered to be necessary to make the development acceptable in terms of ALP policy INF SP1, are directly related to the needs of the development (with the contributions required to meet the demands of - and mitigate the impacts of - the development), and are fairly & reasonably related in scale and kind (the level of contributions have been calculated so as to be proportional to the amount of new development). It is also clear from the Councils own records that there are no other existing agreed contributions allocated to any of the stated projects.

The Section 106 legal agreement has now been signed and completed and therefore, the proposal is in accordance with policy INF SP1.

CONCLUSION:

The proposed development would not result in unacceptable harm to the visual and residential amenity of the locality and it would be acceptable in terms of highway safety. Furthermore, the measures proposed in the Flood Risk Assessment would ensure that the development is safe in terms of possible flooding in the area. The applicant has also now agreed to the affordable housing and infrastructure requirements and has signed and completed a legal agreement to secure these. It is therefore recommended that permission is granted in accordance with the following conditions and the Section 106 Legal Agreement.

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may

arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

SECTION 106 DETAILS

This recommendation is made subject to the completion of a S106 legal agreement which will concern the following provisions:

AFFORDABLE HOUSING

A commuted sum of £86,750 representing 5% of the scheme's Gross Development Value to be held in a ring-fenced account to support the delivery of additional affordable housing in the Arun District.

COUNTY COUNCIL INFRASTRUCTURE

- (1) £6,251 on additional equipment at Bersted Green Primary School;
- (2) £6,727 on additional equipment at The Regis School;
- (3) £1,576 on additional equipment at The Regis School Sixth Form;
- (4) £3,003 on additional stock at Bognor Regis Library; and
- (5) £283 to be used towards the supply and installation of additional fire safety equipment to vulnerable persons homes in West Sussex Fire Rescue Services Southern Area serving Bognor Regis.

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:

Location Plan (1:1250);
Block Plan (1:500);
Layout Plan Dwg. 15/1051/04 Rev B;
Proposed Ground Floor Plan Dwg. 15/1051/01 Rev B;
Proposed First and Second Floor Plan Dwg. 15/1051/02; and
Proposed Elevations and Roof Plan Dwg. 15/1051/03.

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

- 3 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) (September 2016) and the following mitigation measures detailed within the FRA:

- Finished floor levels are set no lower than 2.65 metres above Ordnance Datum (AOD).

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: In line with the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change and policy W DM2 of the Arun Local Plan to reduce the risk of flooding to the proposed development and future occupants.

- 4 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 / No part of the extended 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 has been requested by the Councils Drainage Engineers and 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.

- 5 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 method of access and routing of vehicles 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 erection and maintenance of security hoarding,

- 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),
- details of public engagement both prior to and during construction works.

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 has been requested by the County Highway Authority and is required to be a pre-commencement condition because it is necessary to have the site set-up agreed prior to access by construction traffic.

- 6 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 have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building.

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

- 7 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, together with measures for their protection during the course of the development. 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 amenity and of the environment of the development in accordance with policy D DM1 of the Arun District Local Plan.

- 8 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority. The approved cycle storage shall thereafter be retained in perpetuity unless otherwise agreed in writing with the local planning authority.

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

- 9 No part of the development shall be first occupied until such time as the vehicular access with the modifications proposed serving the development has been constructed in accordance with the approved drawing.

Reason: To secure satisfactory standards of access for the proposed development in accordance with policies D DM1 and T SP1 of the Arun Local Plan and paragraphs 108-110 of the NPPF.

- 10 No part of the development shall be first occupied until a northern visibility splay of 2.4 metres by 43 metres has been provided at the junction of Durban Road and Ash Grove in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: To secure satisfactory standards of highway safety in accordance with policies D DM1 and T SP1 of the Arun Local Plan and paragraphs 108-110 of the NPPF.

- 11 No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.

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

- 12 No part of the development shall be first occupied until pedestrian visibility splays of 2 metres by 2 metres have been provided either side of the site vehicular access onto Durban Road in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. These visibility splays shall thereafter be kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: To secure satisfactory standards of highway safety in accordance with policies D DM1 and T SP1 of the Arun Local Plan and paragraphs 108-110 of the NPPF.

- 13 In the event that contamination is found at any time during the carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. All works must stop immediately and an investigation and risk assessment must be undertaken in accordance with the requirements of the local authority contaminated land officer. Where remediation is necessary, remediation scheme must be prepared in accordance with the local authority contaminated land Officer guidance and which is subject to approval in writing of 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 policy QE DM4 of the Arun Local Plan.

- 14 All proposed bathroom windows shall at all times be glazed with obscured glass.

Reason: To protect the amenities and privacy of future occupiers and of nearby residential properties in accordance with policies D DM1 and QE SP1 of the Arun Local Plan.

- 15 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.

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

the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers. Supplementary guidance notes regarding surface water drainage are located here <https://www.arun.gov.uk/surfacewater> on Arun District Councils website. A surface water drainage checklist is available here <https://www.arun.gov.uk/drainagechecklist> on Arun District Councils website, this should be submitted with a Discharge of Conditions Application.

- 17 INFORMATIVE: The applicant is advised that in addition to obtaining planning permission that they must also obtain formal approval from the highway authority to carry out the site access upgrading works on the public highway including the Access Protection Line, by contacting the Arun Area Engineer (01243 642105).
- 18 INFORMATIVE: The Environment Agency recommend that the owner/occupants sign up to the Environment Agency Flood Warning Service and have a flood evacuation plan.
- 19 INFORMATIVE: We recommend that consideration be given to use of flood mitigation measures to reduce the impact of flooding when it occurs. Flood mitigation measures include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels. More information can be found in the communities and local Government publication 'Improving the flood performance of new buildings' which can be viewed at: <http://www.communities.gov.uk/publications/planningandbuilding/improvingflood>
- 20 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to the following provisions:

AFFORDABLE HOUSING

A commuted sum of £86,750 representing 5% of the scheme's Gross Development Value to be held in a ring-fenced account to support the delivery of additional affordable housing in the Arun District.

COUNTY COUNCIL INFRASTRUCTURE

- (1) £6,251 on additional equipment at Bersted Green Primary School;
- (2) £6,727 on additional equipment at The Regis School;
- (3) £1,576 on additional equipment at The Regis School Sixth Form;
- (4) £3,003 on additional stock at Bognor Regis Library; and
- (5) £283 to be used towards the supply and installation of additional fire safety equipment to vulnerable persons homes in West Sussex Fire Rescue Services Southern Area serving Bognor Regis.