

PLANNING APPLICATION REPORT

REF NO: BE/176/21/PL

LOCATION: The Cottage
Shripney Road
Bognor Regis
PO22 9PA

PROPOSAL: Demolition of existing dwelling and ancillary outbuildings and erection of a 66 bedroom care home with associated access, parking and landscaping. This site is in CIL Zone 3 (Zero Rated) as other development & is a Departure from the Development Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The care home will be two storeys (9.4m at the highest point & 5.2m to the eaves) and has an 'H' shaped form with matching wings extending broadly north and south. Communal/ancillary facilities include lounge/dining rooms, a cinema, small library, salon, shop, small clinic, cafe, laundry and kitchens. All bedrooms will be en-suite. It is proposed to use brick and render to the elevations and to have a dark red tiled roof. The layout is stated to allow for both general residential care and specific dementia care with the elements clearly split into two.

The site layout proposes a new 25 space car park including a drop off area and bin store with the care home building beyond. There are to be 4 disabled parking spaces with 2 providing electric charge points. There are areas of landscaping, a PV battery housing (to store power from the roof top solar panels) and a meter house.

The proposal utilises the same access design as previously approved. This entails stopping up the existing point of access and replacing with a 4.8m wide access constructed approximately 30m to the south of the existing. This will have visibility splays of 71m to the north and 120m to the south. The scheme proposes a new section of footway between the new access and the bus stop outside the Robin Hood Pub (including along the Robin Hood frontage) and new footway in the central reservation between Shripney Road and the service road to assist people crossing the road.

SITE AREA

0.72 hectares.

TOPOGRAPHY

Predominantly flat.

TREES

There are 63 surveyed trees or groups of trees on or near the site including one category A and thirteen category B. Two Tree Preservation Orders (TPO) have been made in respect of

the site.

The first, TPO/BE/1/17 refers to T1 - a Common Ash west of the existing dwelling/close to the existing site access; T2 - a Pedunculate Oak on the eastern boundary; and G1 - a group of two Lebanon Cedars to the south of the existing dwelling. The second, TPO/BE/2/17 refers to T1-T3 - three Sycamore on or immediately adjacent to the footpath which runs adjacent to the southern boundary.

BOUNDARY TREATMENT

Mixed. Part wall, part close boarded fencing to the Hotel. Close boarded fencing to the road. Post & wire fencing on the southern boundary (along the line of the footpath). Hedge or otherwise open to the eastern boundary.

SITE CHARACTERISTICS

The site borders the hotel to the north and comprises an existing one and a half storey dwelling surrounded by land formerly used as gardens, for horticulture and personal sheep grazing. There are ancillary buildings on site including disused greenhouses, stables, a detached garage and sheds. There is a half built two storey building in the south east corner. There is a dry ditch and bund to the east boundary and the remains of a dry pond. There is gated access from Shripney Road. A footpath runs adjacent to the south boundary connecting Shripney Road on its west side to a footpath crossing the field on the east side enabling access to Sack Lane to the north east.

CHARACTER OF LOCALITY

Semi-rural character with detached dwellings on both sides of Shripney Road. To the north lies the Robin Hood Pub & Hotel. Car parking is between the hotel and the shared boundary. To the south lies the site of a new dwelling. To the east is open arable fields. On the western side is Shripney Road with houses beyond. Surrounding built form is mixed between one and two storey buildings.

RELEVANT SITE HISTORY

BE/79/20/RES	Approval of reserved matters following BE/63/17/OUT & variation of condition BE/131/18/PL for replacement dwelling at the southern end of site (Phase 1) to reposition driveway & car port (resubmission following BE/58/19/RES).	ApproveConditionally 01-10-20
BE/137/19/RES	Application for approval of phase 2 reserved matters following outline permission BE/63/17/OUT (as amended by BE/131/18/PL) for 20 No. dwellings.	ApproveConditionally 25-06-20
BE/69/19/OUT	Outline planning application with all matters reserved	Refused

except access for up to 31 No. houses and flats with car parking, landscaping and associated infrastructure & access off Shripney Road (A29), all following the demolition of the existing dwelling & outbuildings - This application is a Departure from the Development Plan

10-10-19
Appeal: Allowed+Conditions
14-05-20

BE/58/19/RES Application for approval of reserved matters following outline permission BE/63/17/OUT & variation of condition BE/131/18/PL for replacement dwelling at the southern end of site (Phase 1) ApproveConditionally
 04-10-19

BE/131/18/PL Variation of conditions following the grant of BE/63/17/OUT relating to conditions 3-approved plans, 6-distinguish between the two phases of development so protective fencing for whole site is not required for just Phase 1 & any fencing is commensurate with phase of development being constructed, 7-Phase 1 can commence prior to construction of new vehicular access, 8-Phase 1 can commence prior to submission of plans & details incorporating the recommendations of the Road Safety Audit, 9-winter groundwater monitoring is only required for development on Phase 2, 10-refer to development on Phase 2 only as development on Phase 1 will not result in the discharge of any flows to watercourses or culverting, diversion, infilling or obstruction of any watercourse on site, 11-level of detail required regarding maintenance & management of SuDS system is commensurate with the relevant phase of development, 12-only refer to development on Phase 2, 14-SuDS management manual is submitted to local planning authority prior to construction of Phase 2 only, 15-Phase 1 can be occupied prior to construction of pedestrian access footways/crossing points, 16-Phase 1 development can be occupied prior to provision of visibility splays at proposed site vehicular access, 17-Phase 1 dwelling can be occupied prior to required installation of electric vehicle charging points & 18-allow development on Phase 1 to be occupied prior to implementation of SuDS scheme for the whole development (Phase 1 & 2) & prior to provision of as-built drawings & completion report. App Cond with S106
 29-04-19

BE/63/17/OUT Outline planning application with some matters reserved (Access only) for 20No. houses & flats, 1No. replacement dwelling (21No. units in total) with car parking, landscaping & associated infrastructure & access off Shripney Road (A29) and new footway both along the App Cond with S106
 18-01-18

site frontage and across the A29 traffic island, all following the demolition of the existing dwelling & outbuildings. This application is a Departure from the Development Plan.

BE/63/17/OUT was granted in January 2018 for 20 new homes plus a replacement dwelling on the land to the south of the footpath. This permission was amended by BE/131/18/PL so the replacement dwelling could be developed separately to the 20 dwellings. BE/58/19/RES was an approval of reserved matters for the replacement dwelling on the other side of the footpath. This was amended by BE/79/20/RES and that dwelling has been built.

BE/69/19/OUT for up to 31 dwellings was refused in October 2019 due to concerns regarding overdevelopment, insufficient amenity space and car parking but this was allowed on appeal in May 2020. In order to keep this permission live, a reserved matters must be submitted by 14/05/23.

BE/137/19/RES was submitted in accordance with BE/63/17/OUT and was approved in June 2020 but has not been implemented. This permission will expire on the 25th June 2022.

REPRESENTATIONS

Bersted Parish Council object for the following reasons:

- not in character with dwellings in the surrounding area or the rural location;
- outside the built up area boundary;
- no pedestrian/cycle/vehicle improvements to better connect Shripney with Bognor Regis or Chichester;
- overdevelopment;
- not a sustainable location as buses are irregular so will result in traffic congestion;
- unsafe location on a bend; and
- flooding from surface water drainage.

Aldingbourne Parish Council have written in to object raising the following issues:

- no assessment on the impact of Health Services that would be required;
- in conflict with the Bersted and Aldingbourne Neighbourhood Plans;
- no adequate drainage proposal for the site;
- no climate mitigation measures in place;
- transport concerns and no sustainable travel plan in place;
- parking is inadequate at the site for the number of residents/staff/visitors;
- there are no amenities in the area; and
- no mention that to provide this facility that it will be knocking down a building of historical interest.

No other objections.

COMMENTS ON REPRESENTATIONS RECEIVED:

Most of the issues raised are considered in the conclusions section but it should be noted that:

- Bersted Neighbourhood Development Plan (BNDP) policy GA1 does not require the increase or improvement of foot/cycle routes but rather sets out support to proposals that provide for such;
- notwithstanding concerns about the bus service/lack of amenities, the site has previously been

considered to be an acceptable location for new development by the Council on BE/63/17/OUT and the more recent appeal decision on BE/69/19/OUT;

- there is no policy requirement for an assessment on the impact of a care home on health services;
- climate change mitigation measures will be secured by condition;
- a Travel Plan will be secured by a s106 legal agreement; and
- this is the first time in the history of this site that concern has been raised regarding the heritage value of the existing building. It is material that permission exists for its demolition by virtue of the extant outline permission and the building does not appear on the Councils historical mapping until 1911.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

NATIONAL HIGHWAYS - no objection.

NATURAL ENGLAND - state no comments to make on this application.

WSCC PUBLIC RIGHTS OF WAY - no objection provided that the footpath is not blocked or restricted and that vegetation is not allowed to grow and impede its route.

WSCC INRASTRUCTURE - require contributions to local libraries and fire & rescue.

WSCC FIRE & RESCUE - no objection subject to a condition to secure a new fire hydrant.

WSCC HIGHWAYS - no objection subject to conditions to secure the access, pedestrian access improvements, a Construction Management Plan, cycle parking, Travel Plan and vehicle parking.
Comment:

- The Transport Statement (TS) concludes that the care home use will be less intensive than the previously approved residential scheme. As such, there is no requirements for alterations to the agreed access design;
- The previously approved pedestrian crossing is proposed as part of this application with no changes;
- Full provision of footway and dropped kerbs/tactile paving will be provided across the front of the site and now leading all the way to the bus stop outside The Robin Hood pub. This goes further than the previous approval;
- There are no specific standards for care home parking/cycling provisions but having regard to the TS assessment, WSCC consider that the provision of 25 spaces is a little excessive and may encourage single occupancy car use although a Travel Plan will promote alternatives; and
- Tracking has been provided to demonstrate that a refuse vehicle can enter via the approved access, turn on site given the new layout and exit in forward gear.

WSCC LEAD LOCAL FLOOD AUTHORITY - initially requested more information concerning drainage but following receipt of a Flood Risk Assessment, advised no objection on surface water flood risk grounds. There is a low risk of surface water flooding within the site but that there is higher risk shown in the adjacent carriageway at the site's access. Any existing surface water flow paths across the site must be maintained and that there should be no wholesale site level raising via the spreading of excavated material. The area of the development is shown to be at high risk from groundwater flooding based on current mapping. This risk is based on modelled data only and should not be taken as meaning that the site will/will not suffer groundwater flooding.

ADC LANDSCAPE OFFICER - no objection subject to submission of a detailed landscape scheme.

Comment:

- there would be no requirement or trigger for the provision of Public Open Space or Play on site with this development,
- the details propose both external and internal courtyard garden outdoor provision for the use of the residents, staff and visitors which is great to see and would be an asset to the proposals; and
- the potential impact of the proposals, could be blended into the surrounding environment with further thought given to the landscape offer and greening to counteract this. Screening to adjacent properties will need to be considered because of their proximity and stature of the proposals.

ADC ENVIRONMENTAL HEALTH - no objections subject to conditions re contamination, electric vehicle charging, construction management, construction hours, control of odours, grease traps and delivery hours.

ADC DRAINAGE ENGINEERS - initially raised a holding objection due to insufficient information but following submission of a Flood Risk Assessment now raise no objections subject to standard conditions with the following comments:

- at discharge of conditions stage, will expect the freeboard between ditch bed level and outfall invert level to be maximised; and
- the proposal to culvert a long length of ditch to facilitate the new footpath along Lidsey road do not comply with WSCC culverting policy and so the footpath proposals will need to be revised.

COUNCILS ECOLOGIST - no objection subject to conditions to secure the proposed bat mitigation measures, control the lighting scheme, protect & enhance the hedgerows, check buildings & trees for birds nests, carefully check the site for reptiles/hedgehogs/badgers and deliver future nesting/roosting opportunities.

No responses from the NHS, WSCC Adult Social Care or the Councils Tree Officer.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted unless indicated below.

WSCC PUBLIC RIGHTS OF WAY - there are no proposals to affect the footpath but an informative will be added to remind the developer of their responsibilities in respect of this.

WSCC INRASTRUCTURE - the applicant initially disputed the library contribution as there will be a small library in the care home however they have now accepted that local libraries will provide additional services not covered in-house and so agree to the request.

ADC DRAINAGE ENGINEERS - the condition requested by WSCC Highways concerning the pedestrian improvements will be amended to require further details at discharge of conditions stage and for this to also be subject to drainage engineer agreement.

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

POLICY CONTEXT

Designations applicable to site:

Outside the Built Up Area Boundary;
 Class A Road;
 Adjacent to Footpath ref BET/151/2;
 Special Control of Adverts;
 Tree Preservation Orders (TPO/BE/2/17 & TPO/BE/2/17);
 Current Flood Zone 1; and
 Future Flood Zone 3a by 2111.

DEVELOPMENT PLAN POLICIES

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

CSP1	C SP1 Countryside
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
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
HDM2	H DM2 Independent living and care homes
HWBSP1	HWB SP1 Health and Wellbeing
INFSP1	INF SP1 Infrastructure provision and implementation
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QEDM3	QE DM3 Air Pollution
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
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

<u>Bersted Neighbourhood Plan 2014 Policy ES1</u>	Design of new development
Bersted Neighbourhood Plan 2014 Policy ES2	Surface water management
Bersted Neighbourhood Plan 2014 Policy ES6	Protection of trees
Bersted Neighbourhood Plan 2014 Policy ES7	Development outside of the Built Up Area Boundary
Bersted Neighbourhood Plan 2014 Policy GA1	Pedestrian and Cycle Connections
Bersted Neighbourhood Plan 2014 Policy CLW1	Provision for the elderly

PLANNING POLICY GUIDANCE:

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

SUPPLEMENTARY POLICY GUIDANCE:

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

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031 (ALP), West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan and Made Neighbourhood Development Plans. The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The relevant policies of the Bersted Neighbourhood Development Plan (BNDP) have been considered within this report.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to conflict with the Arun Local Plan (policies C SP1, SD SP2 & H DM2) and the Bersted Neighbourhood Development Plan (policy ES7) in that the site lies outside the built up area boundary.

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

- (2) in dealing with an application for planning permission the authority shall have regard to -
- (a) the provisions of the development plan, so far as material to the application,
 - (aza) a post examination draft neighbourhood development plan, so far as material to the application,
 - (b) any local finance considerations, so far as material to the application, and
 - (c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to be weighed in the balance with the Development Plan and these are set out in the Conclusions section below.

CONCLUSIONS**PRINCIPLE:**

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

Section 38(5) of the Planning and Compulsory Purchase Act 2004 states: "If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document". Any conflict between the BNDP and the ALP, should therefore be resolved in favour of the latter.

The Council published its Authority Monitoring Report (AMR) for 2020/21 and this shows the Housing Land Supply (HLS) decreased from 3.3 years to 2.42 years. This is not an application concerning new housing as residential dwellings are within class C3 of the Use Classes Order whilst care home accommodation is in class C2 and there is no permitted right to change from C2 to C3.

The Local Planning Authority has considered the needs of older people & care requirements separately to the need to plan for housing and this reflects the advice that was available at the time of the Local Plan preparation and examination. The Councils "Updated Housing Needs Evidence Report (Sep 2016) which formed part of the evidence to the Local Plan examination in July 2018, states at paragraph 1.9 that:

"In addition, there is a need for 991 residential care/nursing home bedspaces (an average of 50 per annum). This need is for C2 accommodation and is separate and additional to the overall need/OAN for housing."

The relevant policies in the ALP are not out of date as a result of the HLS situation and they are broadly in accordance with the NPPF. As such, paragraph 11 (d) of the NPPF and the application of the 'presumption' for sustainable development is not triggered in this case. It is noted that the appeal decision for AL/42/19/PL (Nyton House - proposed dementia care unit) did not apply the NPPF para 11(d) presumption.

Arun Local Plan:

Policy C SP1 states residential development in the countryside outside the Built Up Area Boundary (BUAB) will not be permitted unless it accords with policies in the Plan which refer to a specific use or type of development. None of these relate to the proposal and it is noted that policy H DM2 (Independent Living & Care Homes) states that new facilities must be located in the BUAB and only extensions to existing facilities will be permitted outside. Policy SD SP2 states development should be focused within the BUAB. The proposal conflicts with all three of these policies.

Bersted Neighbourhood Development Plan:

The BNDP was made in July 2014 on the basis of the saved policies in the 2003 Arun District Local Plan and the draft policies in the 2014 publication version of the then emerging ALP. The site is outside the BUAB in the BNDP and policy ES7 is relevant and states that development outside of the BUAB will not be supported, therefore the proposal is in conflict with policy ES7. The proposal gains support from policy CLW1 which states new care homes will be supported provided the design and scale of development is in keeping with the character of the location and that the impact on the amenity of surrounding residential properties is acceptable. These factors are discussed elsewhere.

The National Planning Policy Framework (NPPF):

The NPPF is an important material consideration in determining planning applications. Para 62 states that the need for accommodation for older people should be reflected in planning policies. Para 78 states that decisions in rural areas should be responsive to local circumstances and support developments that reflect local needs. Para 85 states that decisions should recognise that sites to meet local business and community needs in rural areas may have to be found beyond existing settlements, and in locations that are not well served by public transport.

Other Material Considerations

It is material that two permissions have been granted on this site for residential development (20 homes

and up to 31 homes) and that both of the permissions are capable of being implemented. The redevelopment of this site with a greater built footprint and increased use than the existing dwelling has been established as acceptable. It has been established the site is an appropriate location for new development dispute being in the countryside and the site can be developed for residential purposes without harm to local character.

Conclusion on Matters of Principle:

The principle of development on this site is contrary to the policies in the development plan. It is material that this is a brownfield site that has been accepted as a suitable location for development. The NPPF suggests that development in rural areas to meet local needs is acceptable even if public transport services are infrequent.

SUSTAINABILITY:

ALP policy SD SP1 states the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. Para 8 of the NPPF states that in order to achieve sustainable development; economic, social and environmental gains should be sought jointly and simultaneously through the planning system. Policy T DM1 requires new development be located in easy access of established non-car transport modes/routes. Part (b) of H DM2 requires that sites be easily accessible either by foot or public transport, to community and social facilities e.g. shops, post offices, healthcare, community facilities.

The site was accepted (with the approval of BE/63/17/OUT) as being in a sustainable location. This was on the basis that there is a public house and bus stops immediately adjacent to the site and that there are schools and potential places of work accessible by bus. It was considered possible to walk to the Lidl on Shripney Road as well as the other nearby retail stores. In the appeal decision on BE/69/19/OUT, the Inspector stated "There are bus stops immediately adjacent to the site providing access to schools and other services, with some food and retail offers available on foot. As such I find that the proposal would encourage alternative forms of transport to the private vehicle."

This application includes the previously proposed crossing point across the A29 between the site and the footpath on the western side which would allow safe walking to the western side of the A29 to the northern edge of Bognor Regis. This new proposal takes this further and proposes a footpath link to the bus stop outside the Robin Hood to the north. There is a public footpath crossing the site which provides access to Sack Lane and on to Barnham and Yapton albeit not suitable at all times of the year. Whilst the private car could be required for longer journeys, those care home residents who are mobile would not need to rely on a car for local journeys and although public transport may not be particularly attractive in terms of frequency, it does exist as an alternative.

The development will have an impact on the ecology of the site and will result in the loss of some existing trees. The Councils ecologist does not raise any objection and suggests that mitigation measures and enhancements will offset any harm.

The proposal will support the community by providing a new care home to help meet a clear need for adult social care. On an application for a care home extension in Aldingbourne in 2019 (Nyton House), WSCC stated that the overall demand for different types of care from 2014 to 2034 is estimated to rise by 67% in West Sussex and that this translates to a projected additional demand in the County for 9,707 residential care home beds and 6,720 nursing beds. They went on to state that Arun will experience the largest rise in demand in West Sussex across all care types due to the projected increase of people over the age of 75 within the district and long term care which is projected to grow by an estimated 72% by the year 2034. The Councils guidance on "Accommodation for older people and people with disabilities"

indicates that Arun will see a significant rise in older persons.

The application states the care home will be a local facility with residents expected to emanate from an area no more than five miles from the site but generally closer. The application states the development would generate between 50-60 jobs, the majority of which are expected to be offered to suitable candidates from the same local area and include the care home manager, care workers through to catering and domestic assistants. There will be economic benefits associated with the construction phase and then the care home, once operational, may also result in additional custom at the adjacent Public House and at nearby shops & services. A financial contribution will be secured towards local libraries.

The proposal has clear social and economic benefits whilst the costs to the environment are not significant and there is mitigation in place to offset the harm. The definition of sustainable development does not simply relate to the accessibility of the location.

TRAFFIC & ROAD SAFETY:

ALP policy T SP1 seeks to ensure development provides safe access on to the highway network; contributes to highway improvements (where appropriate) and promotes sustainable transport. Schemes should accommodate the efficient delivery of goods and supplies; give priority to pedestrian and cycle movements, be accessed by high quality public transport facilities, create safe and secure layouts for traffic, cyclists and pedestrians and provide appropriate levels of parking.

Para 110 of the NPPF states: "In assessing .. specific applications for development, it should be ensured that: (b) safe and suitable access to the site can be achieved for all users". Para 111 states: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

The application uses the same access design agreed on the two outline applications. The application states that the care home use will be less intensive than the previously approved residential scheme and WSCC have accepted this position. They conclude the proposal would not have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network and is not contrary to the NPPF and there are no transport grounds to resist the proposal.

Care homes are not covered by the Arun Parking Standards SPD whilst WSCC's parking standards state that sites comprising C2 care homes require a "site-specific assessment based on travel plan and specific operational needs" to determine parking provision. The application states the majority of the car parking spaces will be used by visitors to the care home. The application provides a parking accumulation analysis based on TRICS data and this indicates an average parking accumulation of 8 vehicles. The provision of 25 spaces is therefore acceptable. This provision includes disabled parking provision and cycle storage.

The proposal is compliant with the relevant development plan policies and the guidance on highway safety within the NPPF. There is particular support from BNDP policy GA1 in terms of the new footways and the crossing point.

FLOOD RISK & DRAINAGE:

The site is in Flood Zone 1 (FZ1) but it is predicted that parts of the frontage will be FZ3a by 2061 and that the whole of the site will be so by 2111. This predicted risk assumes no defences and would only occur if existing sea defences were not maintained. There is high surface water flooding risk along the

road outside of the site.

ALP policy W DM2 refers to the sequential test, Flood Risk Assessment and mitigation. Policy ECC SP1 states development must be located & appropriately designed to adapt to impacts arising from climate change such as the increased probability of tidal and fluvial flooding.

Government guidance states a sequential site assessment is required where a site is at high risk of current or future flooding. Para 162 of the NPPF states the sequential approach should be used in areas known to be at risk now or in future from any form of flooding. Para 159 NPPF states development 'should be made safe for its lifetime without increasing flood risk elsewhere.' Para 33 (Reference ID: 7-033-20140306) of the Planning Practice Guidance states it should not normally be necessary to apply the sequential test to development in proposals in FZ1 (and with a low probability of flooding from rivers or the sea) unless the flood risk assessment indicates there may be flooding issues now or in the future (for example by climate change).

It is the Councils policy in such a situation to require a sequential site assessment to demonstrate there are no other suitable locations for the development in areas not affected by future flooding. This approach was taken on a site not far to the south (BE/109/19/OUT - Land east of Shripney Road & south of Haddan House) and on an application at Sack Lane to the northeast (AL/75/21/PL). The applicant has not provided a Sequential Assessment and has only considered climate change in respect of surface water drainage. There is conflict with policies W DM2 and ECC SP1 but only in terms of future flood risk.

It is material that the determination of the previous outline residential applications did not consider future flooding and that both permissions are capable of implementation. A refusal on grounds of future flooding would not prevent the site from being developed. The appeal decision of BE/109/19/OUT stated "there appears to be no reasonable likelihood of the tidal flood defences being allowed to fail and it seems in the best interests of all concerned that they will be suitably maintained into the future." On this basis, the harm associated with future flooding would be diminished.

ALP policy W DM3 states all development must identify opportunities to incorporate a range of Sustainable Urban Drainage Systems (SUDS) as appropriate to the size of development. BNDP policy ES2 requires surface water management measures for development proposals to ensure that the risk of flooding both on-site and downstream is not significantly increased.

A Flood Risk Assessment and Drainage Strategy has been submitted and reviewed by drainage engineers. This states the site surface water drainage will connect to the ditch course at the west of the site at an attenuated greenfield runoff rate no greater than 2.1 l/s in all rainfall events up to and including the critical duration 1 in 100-year event with 40% climate change. The use of permeable paving for the car parking spaces will act to increase the rainfall-runoff response duration while also providing water quality benefits. It is stated safe access & egress via the site access can be obtained via Shripney Road with the potential surface water flood risk at the west of the road looking to have been addressed by more recent works by the Local Highway Authority.

The Councils drainage engineers raise no objections subject to consideration of the detailed design at condition discharge stage. As there are no objections to the principle of drainage, there is no conflict with the relevant drainage policies but there remains conflict with ALP policy W DM2 in respect of future flood risk but material considerations serve to outweigh this conflict.

CHARACTER & DESIGN:

ALP policies D SP1 and D DM1 require development make the best possible use of land by reflecting or improving on the character of the site/surrounding area. The the scale of development should keep within

the general confines of the overall character of a locality. Policy H DM2 (c) requires that the design and scale of the scheme is appropriate to the local context.

BNDP policy ES1 states that: "New development which would have an effect on the appearance or character of the surrounding area should be of a high quality design and should contribute to local character by creating a sense of place appropriate to its location". Policy CLW1 states the design and scale of care home development must be in keeping with the character of the location.

The Arun Design Guide provides detailed guidance to help raise design standards across the district. There is no specific guidance for care home developments but the Design Guide generally requires development to respond to the distinctiveness & characteristics of their surroundings in terms of scale massing and materials, protect the amenities of occupants and neighbours and seek to minimise energy consumption and improve environmental performance.

The Design & Access Statement states:

- the configuration & form of the proposed care home has evolved from the desire to create a building of a suitable scale for the area, appropriate to the neighbouring residential dwellings and adjacent Robin Hood pub and hotel and one that maintains views out towards Shripney Road to the west & the farmland to the east;
- the building is positioned to allow the main lounges at the centre of the building to maximise the views of, and the accessibility, to the courtyard gardens;
- it is intended that the building would appear of a suitable scale in its location and in its surrounding context;
- existing residential dwellings within the immediate area are predominantly two storeys, with similar materials and architectural styles to the proposed care home;
- the hotel and public house adjacent to the application site inform a character of larger developments fronting Shripney Road; and
- red brick is common in the immediate locality to the site, with the addition of render to create articulation and contrast to elevations. These materials will be replicated in the proposed building.

Notwithstanding that it is material that residential development (up to 31 homes) has been approved already, the scale, layout and design of the scheme is otherwise appropriate. The building will be well set back from Shripney Road thus reducing its visibility in the street scene (particularly taking account of the existing frontage tree planting). The two storey height is comparable to other buildings in the area. Its mass and form is comparable to the adjacent Hotel complex to the north and the appearance & materials take cues from the existing local area. The elevations and visuals suggests a quality development that will be aesthetically pleasing and surrounded by quality landscaping.

Two storey development 3.4m from the footpath adjacent to the southern boundary was previously accepted by BE/137/19/RES and this proposal will largely maintain this separation (being only 0.3m closer). Roofs of the building slope away from this elevation thus reducing impact on the footpath.

The building can be satisfactorily accommodated on the site without adversely affecting the visual amenities of the locality. It accords with the relevant development plan policies and guidance.

RESIDENTIAL AMENITY:

ALP policy D DM1 requires there be minimal impact to users and occupiers of nearby property and land. ALP policy QE SP1 requires development contribute positively to the quality of the environment and ensure development does not have a significantly negative impact on residential amenity. H DM2 (e) requires that care homes have amenity space. BNDP policy CLW1 requires that the impact on the

amenity of surrounding residential properties is acceptable.

The interface distances within the Arun Design Guide apply to new residential developments but the principles they establish are relevant to other forms of development. The Design Guide would require 21m between rear elevations and 14m between rear and side elevations.

The care home will be 28m from the hotel to the north which is more than acceptable. It will be 11.3m from the new dwelling on the south side of the footpath (which is less than the 14m standard) but the only windows at this distance are to communal areas (the end of a first floor corridor) and it would be acceptable to have these obscured glazed to prevent views out of the building towards the side of the dwelling and its private amenity areas. The lounge facing windows on the south elevation are further away (28m). There would be no corresponding loss of light as the building is to the north of the footpath and adjacent dwelling.

The layout includes semi-enclosed courtyard gardens on both sides of the building and additional landscaped grounds to the west and east sides. The Council's Landscape Officer raises no concerns stating that "The details propose both external and internal courtyard garden outdoor provision for the use of the residents, staff and visitors which is great to see and would be an asset to the proposals."

The proposal accords with the relevant development plan policies and guidance.

POLLUTION IMPACTS:

ALP Policy QE DM3 requires that major developments are in easy reach of established public transport services, maximise provision for cycling & pedestrian facilities, include electric car charging points and contribute towards the improvement of the highway network.

The site is served by public transport and the application proposes footpath improvements to allow existing & future residents to easily walk to the nearby bus stops and to assist with crossing the A29. Electric car charging points are shown on the layout plan and a condition will be included to secure the details of these. Cycle storage is proposed but the care home residents are unlikely to be particularly active in terms of cycle trips away from the site and that the majority of movements to/from the site will be by staff and visitors. Environmental Health Officer (EHO) raises no concerns in respect of air pollution.

Policy QE DM1 states residential development likely to experience road noise must (a) be supported by a noise exposure category assessment and designed to ensure that residents will not be adversely affected by noise. The application is accompanied by a Noise Impact Assessment which concludes that noise levels at the new building will be modest and that with windows closed, the recommended noise levels are comfortably achieved. Noise from the hotel carpark will have a low impact. The EHO raises no concerns and does not recommend any conditions to protect new residents from noise. A condition is included to control delivery hours in the interests of the amenities of nearby residential occupiers.

ALP policy QE DM2 states outdoor lighting should not have an adverse impact on neighbouring uses or the wider landscape, particularly with regard to the South Downs International Dark Sky Reserve designation. The Design and Access Statement states a suitable lighting scheme comprising low level bollard lighting to the footpath routes and car parking area will be deployed. This is acceptable and a condition will be employed to seek the precise details of this. This will seek to ensure that new lighting respects bats and other wildlife. The EHO raises no concerns.

There are no conflicts with the relevant policies.

TREES:

ALP policy ENV DM4 states TPO protected trees, Ancient Woodland, those in a Conservation Area or trees that contribute to local amenity are not damaged or felled unless the development meets the certain criteria including that the benefits outweigh the loss of trees or woodland. BNDP policy ES6 also seeks to protect important trees.

The application is accompanied by an Arboricultural & Planning Integration Report which is an update (by the same author) of the report submitted for the previous outline application. It is stated 28 trees and 2 tree groups will be removed to facilitate development, for landscape enhancement or for sound arboricultural management. These are all low quality trees or (in the case of T20, a Weeping Willow) were previously consented for removal. There is potential to enhance landscape planting on the west and east boundaries. The report states all retained trees will be protected in accordance with current standards and guidance. There are instances of proposed ground protection and no-dig methodology but the schemes success is not overly reliant on this.

The Councils Tree Officer has not responded however the same officer raised no objections to application BE/137/19/RES and a previous Tree Officer raised no concerns with BE/63/17/OUT. It is also noted that the TPO trees are being retained. In the absence of such technical expertise, a refusal on arboricultural grounds would not be sustainable and so there is no policy conflict. Conditions will be applied to reflect those imposed previously. In addition, the developer will be required to replace felled trees with new native species on a 2:1 basis. Should the Tree Officer respond before the Meeting, then such comments will be reported by an update.

BIODIVERSITY:

ALP policy ENV DM5 states development schemes shall seek to achieve a net gain in biodiversity and protect habitats on site. The application is accompanied by a Preliminary Ecological Appraisal and separate Bat Report. This reflects the submissions of the previous outline application. The site does not lie within the buffer area of the Singleton and Cocking Tunnels Special Area of Conservation.

These documents have been appraised by the Councils ecologist who raises no objection. A number of the mitigation measures will be secured by condition and the developer will require a Natural England species licence to demolish the existing on-site buildings.

Existing hedgerows will be retained and it is indicated by the Planting Plan in the tree report that trees will be planted across the site area to provide amenity and to enhance the western/eastern boundaries.

Subject to mitigation measures secured by planning condition, the development accords with ALP policy ENV DM5. Biodiversity net gain is demonstrated and will be secured through conditions including the detailed landscape plan.

CLIMATE CHANGE:

ALP policy ECC SP2 requires residential and commercial development be energy efficient and incorporate decentralised, renewable and low carbon energy supply systems. ECC SP1 requires new development be designed to adapt to impacts arising from climate change and that major developments must produce 10% of total predicted energy requirements from renewables unless unviable.

The application states:

- externally the building has been designed with glazed areas to maximise access to natural light and to minimise energy requirements for lighting and heating in communal areas, in particular in the main day

lounge/dining areas and the quiet lounges;

- all glazing would be specified to minimise heat loss and excessive solar gain. Other glazing in the corridors and stairwells will provide natural light into circulation areas, reducing the level of artificial lighting required;
- low energy luminaires and occupancy sensors would be used throughout the home in the communal areas, corridors, bathrooms, toilets and en-suites to minimise energy used;
- there would also be a control centre which will enable areas within the building to be isolated at night to further minimise energy use;
- high levels of insulation will be provided to reduce the consumption of energy required for heating;
- a ground source heat pump system will be used to provide to provide heating, cooling and hot water to the building;
- solar panels will be installed on the roofs to provide for all of the care homes electricity needs; and
- both technologies together will aim to provide at least 50% of the facilities energy requirements from renewable sources, with a commensurate reduction in carbon emissions.

A condition will be imposed to ensure that full details of these technologies are secured post decision. On this basis, there is no conflict with the relevant policies.

SUPPORTING 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. This development is not liable for CIL and s106 can be used to secure contributions provided they meet the statutory tests for planning obligations set by the Community Infrastructure Regulations and the NPPF.

WSSC requested contributions towards local libraries and fire prevention. They consider these are necessary to mitigate the impacts of the proposal with the provision of additional County Council service infrastructure. There is a requirement for a Travel Plan monitoring & auditing fee. The applicant has agreed to all of these and a s106 legal agreement is currently being prepared. This will ensure compliance with policy INF SP1.

SUMMARY:

The proposal represents inappropriate development in the countryside conflicts with policies C SP1, SD SP2 & H DM2 of the ALP and ES7 of the BNDP. There is conflict with policies on future flood risk due to no consideration of alternative sites. It is material that residential development has previously been granted on this site which remains capable of implementation. The approved residential development is a more intensive use in terms of traffic and overall, the site has been accepted as a suitable location for development despite being in the countryside and can be developed without harm to local character or residential amenity.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states applications should be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the material considerations are such that a decision can be taken contrary to the development plan.

The recommendation is for the Planning Committee to delegate to the Group Head of Planning in consultation with the Chair and Vice Chair authority to:

- (a) Grant planning permission subject to conditions; and
- (b) Subject to a Section 106 Agreement, the terms of which are substantially in accordance with those

set out in this report with any minor amendments authorised by the Group Head of Planning

Should the s106 not be completed in 3 months of the date of the Planning Committee's resolution to grant planning permission, then the application shall be refused for the following reason:

(1) In the absence of a signed Section 106 agreement, the development will not provide the infrastructure improvements necessary to mitigate the proposal and will also not mitigate any residual harm to the local road network through the promotion of alternative sustainable transport modes and is thereby contrary to ALP policies INF SP1, T SP1, T DM1 and the NPPF.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

SECTION 106 DETAILS

This decision will be subject to a s106 legal agreement to secure the following:

(1) A contribution of £12,333 to provide additional facilities at a new Tier 7 community library facility in Bersted. However, if a site does not come forward then the contributions will be spent on providing additional facilities at the nearest existing library.

(2) A contribution of £953 to be used towards supply and installation of additional fire safety equipment/smoke alarms to vulnerable persons homes in the West Sussex Fire Rescue Services Southern Area serving Bersted.

(3) A Travel Plan and its associated monitoring fee (£3,500 at the time of writing for monitoring and auditing of the Travel Plan).

RECOMMENDATION

APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT

- 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:

PO22 9AP-A-01 Location Plan;
 PO22 9AP-A-04 Proposed Floor Plans;
 PO22 9PA-A-05-1 Proposed Courtyard Elevations 1 & 2;
 PO22 9PA-A-05 Proposed Elevations;
 PO22-9PA-03 Rev A Proposed Site Plan;
 PO22 9PA-A-06 Proposed 66 Bed Care Home Visuals;
 2109058-05 Proposed Footway Arrangements;
 2109058-06 Site Access Visibility; and
 2109058-07 Pedestrian Crossing Visibility.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies T SP1, QE SP1, D DM1 and ENV DM4 of the Arun Local Plan.

- 3 The development shall be carried out in complete accordance with mitigation measures and enhancements set out in section 4.0 of the Bat Report 2021 and section 4.0 of the Preliminary Ecological Appraisal June 2021. In addition, two bat bricks should be integrated into the building onsite facing south/south westerly positioned 3-5m above ground, two hedgehog nesting boxes provided on the site and bird boxes installed on the building and/or trees within the site.

Any brush piles, compost or debris piles on the site must only be removed outside of the hedgehog hibernation period (mid-October to mid-March inclusive) unless first checked by a qualified ecologist. If any small mammals are found then they must be relocated away from the construction area into surrounding suitable habitats. All piles removed outside of the hedgehog hibernation period must undergo soft demolition.

Reason: To mitigate harm to wildlife and to demonstrate biodiversity net gain in accordance with Arun Local Plan policy ENV DM5 and the NPPF.

- 4 All activity at the site is to be carried out in strict accordance with the Arboricultural & Planning Integration Report, Arbortrack Systems Ltd, ref. jwmb/rpt8/thecottage/PI, 7th October 2021.

If there is deemed to be a need for any Utility Service Route connections to bisect retained tree Root Protection Areas/Zones, then prior to the installation of these, a Method Statement prepared by an Arboricultural Expert must be submitted that stipulates how this can be achieved without adverse impact on tree roots. Written approval and confirmation of acceptance of this Methodology must be issued before any Utility Service Route connections are implemented on the site.

Reason: To comply with BS5837 and Arun Local Plan policy ENV DM4 and to ensure that retained trees are afforded due respect and appropriate levels of protection such that their

ongoing health and vitality is not compromised, and they can continue to enhance the landscape and amenity of the area.

- 5 No demolition/construction activities shall take place other than from 08:00 hours until 18:00 hours (Monday to Friday) and from 08:00 hours until 13:00 hours (Saturday) with no noisy work (defined as not involving any machinery/plant) on Sunday or Bank/Public Holidays.

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

- 6 No delivery vehicles shall arrive or depart and no such vehicles shall be loaded or unloaded within the application site outside the hours of 07:00 to 19:00 Monday to Friday, 08:00 to 18:00 Saturday and not at any time on Sunday or Public or Bank Holidays.

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

- 7 Before the site is occupied or any machinery is introduced to the site or demolition work or construction work or alterations to existing ground levels takes place a PRE-COMMENCEMENT Site Meeting is to take place between the Planning Authority's Tree Officer and the Arboricultural Expert representing the site owner(s) - at this meeting all protective fencing and ground protection measures will be inspected to verify they are 'Fit for Purpose' as required under British Standard 5837:2012 and have been erected and positioned exactly as shown on the Tree Protection Plan, Appendix: A, Rev I, October 2021.

A schedule of Site Monitoring/Supervision visits and Reporting Procedures prepared by an Arboricultural Expert will be required and their extent will be agreed on at the site meeting to the satisfaction of the Planning Authority's Tree Officer.

Reasons: To comply with BS5837 and Arun Local Plan policy ENV DM4 to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised, and they can continue to enhance the landscape and amenity of the area. This is required to be a pre commencement condition because it is necessary to ensure that trees are fully protected before the ground is disturbed and works commence.

- 8 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 National Planning Policy Framework) 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 above damp proof course (DPC) level 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 energy usage across the site in accordance with national planning policy, in accordance with policy ECC SP2 of the Arun Local Plan.

- 9 No development shall commence until a mitigation and management method statement has been submitted to and approved in writing by the Local Planning Authority to provide details of how those retained hedgerows are to be protected during construction. This will be secured by fencing to create a 5m buffer around the retained hedgerows during construction, maximised to the edge of the construction works. The development shall thereafter proceed in accordance with the approved hedgerow protection measures.

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

- 10 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 part of the 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.

- 11 The development shall not proceed until details have been submitted to and approved in writing by the Local Planning Authority for any proposals: to discharge flows to watercourses; or for the culverting, diversion, infilling or obstruction of any watercourse on or adjacent to the site. Any discharge to a watercourse must be at a rate no greater than the pre-development run-off values and in accordance with current policies. No construction is permitted, which will restrict current and future landowners from undertaking their riparian maintenance responsibilities in respect to any watercourse or culvert on or adjacent to the site.

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. And to ensure that the duties and responsibilities, as required under the Land Drainage Act 1991, and amended by the Flood and Water Management Act 2010, can be fulfilled without additional impediment following the development completion. It is considered necessary for this to be a pre-commencement condition to protect existing watercourses prior to the construction commencing.

- 12 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.

- 13 No development shall take place, including any works of demolition, until a Construction & Environmental Management Plan and accompanying Site Setup Plan has been submitted to and approved in writing by the Local Planning Authority (who shall consult with WSCC

Highways, the Councils Environmental Health Officer and Ecologist as appropriate). Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. This shall require the applicant and contractors to minimise disturbance during demolition and construction and will include (but not be limited to) details of the following information for approval:

- the programme of construction works;
- the anticipated, number, frequency, types and timing of vehicles used during construction including delivery times;
- the means of access and road routing for all construction traffic associated with the development;
- provision of wheel washing facilities (details of their operation & location) and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulations Orders);
- details of street sweeping;
- details of a means of suppressing dust & dirt arising from the development;
- a scheme for recycling/disposing of waste resulting from demolition and construction works (i.e. no burning permitted);
- details of all proposed external lighting to be used during construction (including location, height, type & direction of light sources and intensity of illumination);
- details of areas for the loading, unloading, parking and turning of vehicles associated with the construction of the development;
- details of areas to be used for the storage of plant and materials associated with the development;
- details of the temporary construction site enclosure to be used throughout the course of construction (including access gates, decorative displays & facilities for public viewing, where appropriate);
- contact details for the site contractor, site foreman and CDM co-ordinator (including out-of-hours contact details);
- details of the arrangements for public engagement/consultation both prior to and continued liaison during the construction works;
- details of any temporary traffic management that may be required to facilitate the development including chapter 8 traffic signage;
- measures to minimise the noise (including vibration) generated by the construction process to include the careful selection of plant and machinery and use of noise mitigation barrier(s).

Details of how measures will be put in place to address any environmental problems arising from any of the above shall be provided. A named person shall be appointed by the applicant to deal with complaints, shall be available on site and their availability made known to all relevant parties.

The Construction & Environmental Management Plan shall also include reference measures to minimise disturbance to bats and other wildlife during construction. This should include the briefing of site operatives and monitoring by an ecologist. In addition, all deep pits/trenches/holes/pipework greater than 200mm diameter present on the site should be secured or a means of escape provided within them during hours of darkness. All such excavations should be checked each morning. Any hazardous chemicals should also be suitably stored away so animals cannot access them.

Reason: In the interests of the safety/amenity of nearby residents & occupiers of any nearby noise sensitive premises, the safety & general amenities of the area, biodiversity (particularly bats) and in the interests of highway safety in accordance with policies D DM1, ENV DM5, QE

SP1, QE DM1, QE DM2, QE DM3 and T SP1 of the Arun Local Plan and the NPPF. 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.

- 14 No development above damp proof course (DPC) level shall take place unless and until details of the proposed location of the required fire hydrant has been submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service.

Prior to the first occupation of the premises, the developer shall at their own expense install the required fire hydrant in the approved location to BS:750 standards or stored water supply and arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting.

The fire hydrants shall thereafter be maintained as part of the development by the water undertaker at the expense of the Fire and Rescue Service if adopted as part of the public mains supply (Fire Services Act 2004) or by the owner/occupier if the installation is retained as a private network.

Reason: In the interests of amenity and in accordance with policy INF SP1 and T SP1 of the Arun Local Plan and in accordance with The Fire & Rescue Service Act 2004.

- 15 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 proposed landscape scheme will need to maximise the biodiversity of the site with the inclusion of habitat enhancements in accordance with section 4.0 of the Bat Report 2021 and section 4.0 of the Preliminary Ecological Appraisal June 2021. In addition, any trees that are felled to make way for the development should be replaced with new native species on a 2:1 basis.

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 Local Plan.

- 16 No development above damp proof course (DPC) level shall take place unless and until full details of the proposed pedestrian access improvements have been submitted to and approved in writing by the Local Planning Authority (who shall consult with WSCC Highways and its own Drainage Engineers). The scheme shall take account of the comments on this application regarding the culverting of watercourses. No part of the development shall then be occupied until such time as the approved pedestrian access improvements have been constructed.

Reason: In the interests of road safety and off-site drainage in accordance with policies T SP1, T DM1 and W DM3 of the Arun Local Plan.

- 17 No development above damp proof course (DPC) level shall take place unless and until a

schedule of materials and finishes and samples of such materials and finishes to be used for external walls and roofs of the proposed care home 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 by endeavouring to achieve a building of visual quality in accordance with policies D SP1 and D DM1 of the Arun Local Plan.

- 18 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). Unless evidence is put forward and agreed in writing by the Local Planning Authority that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure, the development of the site will continue in accordance with the approved strategy.

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

- 19 Prior to the occupation of any part of the development, full details of all new external lighting (including type of light appliance, the height and position of fitting, predicted illumination levels and light spillage) shall be submitted to and approved in writing by the Local Planning Authority. The scheme should seek to conform with the recommendations of the Institution of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Obtrusive Light" (GN01:2011) but also minimise potential impacts to any bats using the trees and hedgerows by incorporating the advice at section 4.4 of the submitted Bat Report 2021. The lighting approved shall be installed and maintained in accordance with the approved details.

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

- 20 No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on the drawings 2109058-05, 2109058-06 & 2109058-07.

Reason: In the interests of road safety and in accordance with policy T SP1 of the Arun Local Plan and the NPPF.

- 21 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.

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

- 22 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 policy T SP1 of the Arun Local Plan and the NPPF.

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

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

- 24 Prior to occupation of any part of the premises, a scheme and maintenance schedule for the extraction and treatment of fumes and odours generated from cooking or any other fume/odour generating activity undertaken on the premises, shall be submitted to and approved in writing by the Local Planning Authority. Any equipment, plant or process provided or undertaken in pursuance of this condition shall be installed prior to the first operation of the premises and shall thereafter be operated and retained in compliance with the approved scheme.

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

- 25 Prior to occupation of any part of the premises, details of proposed grease traps/separators within the drainage serving the kitchen/s shall be submitted to and approved in writing by the Local Planning Authority. The grease trap/separator shall be of a proportionate capacity to effectively contain grease residue arising from the estimated numbers of hot meals served and the waste water flow rate. The approved drainage features shall be installed prior to the first operation of the premises and thereafter be operated and retained in compliance with the approved scheme.

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

- 26 Immediately following implementation of the approved surface water drainage system and prior to occupation of any part of the development, the developer/applicant shall provide the local planning authority with as-built drawings of the implemented scheme together with a completion report prepared by an independent engineer that confirms that the scheme was built in accordance with the approved drawing/s and is fit for purpose. The scheme shall thereafter be maintained in perpetuity.

Reason: To ensure that the proposed development is satisfactorily drained and in accordance with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan.

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

Local Planning Authority.

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

28 All bathroom and toilet windows in the external elevations of the care home building hereby approved shall be glazed with obscured glass and permanently retained so thereafter.

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

29 The proposed first floor end corridor windows on the twin wings of the southern elevation of the building (adjacent to rooms 41 & 33) shall at all times be glazed with obscured glass and permanently retained so thereafter.

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

30 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

31 **INFORMATIVE:** This decision has been granted in conjunction with a Section 106 legal agreement relating to:

(1) A contribution of £12,333 to provide additional facilities at a new Tier 7 community library facility in Bersted. However, if a site does not come forward then the contributions will be spent on providing additional facilities at the nearest existing library.

(2) A contribution of £953 to be used towards supply and installation of additional fire safety equipment/smoke alarms to vulnerable persons homes in the West Sussex Fire Rescue Services Southern Area serving Bersted.

(3) A Travel Plan and its associated monitoring fee (£3,500 at the time of writing for monitoring and auditing of the Travel Plan).

32 **INFORMATIVE:** A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read the New Connections Services Charging Arrangements documents which is available to read on the following website: <https://beta.southernwater.co.uk/infrastructurecharges>.

33 **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 infiltration tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method. All design storms must include a climate change allowance of 40% on stored volumes or rainfall intensity. Infiltration structures must cater for the critical 1 in 10 year storm event, (plus40%) between the invert of the entry pipe to the soakaway and the base of the structure. The design must also have provision to ensure there is capacity in the system to

contain the critical 1 in 100 year storm event (plus 40%).

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 groundwater table in support of the design. The applicant is advised to discuss the extent of ground water monitoring with the council's engineers.

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

34 INFORMATIVE: Under Section 23 of the Land Drainage Act 1991 Land Drainage Consent must be sought from the Lead Local Flood Authority (West Sussex County Council), or its agent (Arun District Council land.drainage@arun.gov.uk), prior to starting any works (temporary or permanent) that affect the flow of water in an ordinary watercourse. Such works may include culverting, channel diversion, discharge of flows, connections, headwalls and the installation of trash screens.

The development layout must take account of any existing watercourses (open or culverted) to ensure that future access for maintenance is not restricted. No development is permitted within 3m of the bank of an ordinary watercourse, or 3m of a culverted ordinary watercourse.

35 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.

36 INFORMATIVE: A surface water drainage verification condition guidance note is available at <https://www.arun.gov.uk/drainage-planning-consultations>, this clearly sets out our requirements for discharging this condition.

37 INFORMATIVE: The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

38 INFORMATIVE: The applicant should note that there is a Public Right of Way running adjacent to the southern site boundary and steps must be taken to ensure this is not interfered with or blocked. If there is a need to temporarily close this path due to this proposed development then WSCC's PROW team can be approached for advice on the legal process required to be followed. The path can only be closed if there is a risk to the health and safety of lawful public path users. It is also important to note that if there is any proposal to change the adjacent hedge then any encroaching vegetation on the public footpath is the landowners responsibility to cut back so the usable width of the footpath is not restricted at any stage. The surface of the footpath cannot be disturbed as part of this proposed development without prior consent from WSCC's PROW team. If surface disturbance is required then a temporary closure will be required and the details of the works and specification for reinstatement must also be approved by the PROW team before works commence. Any drainage linked with this development that may impact the public footpath will also require approval by WSCC's PROW team prior to any works taking place.

39 INFORMATIVE: We encourage the highest practicable standards of building insulation and use of renewable forms of heating (such as ground and air source heat pumps) as opposed to natural gas boilers where possible. This action would contribute to the improvement of local air

quality and reduce overall GHG emissions in the long term. If any heat pumps are to be included in the development the applicant shall be required to demonstrate that any pump/s meets the criteria detailed in the Micro Certification Scheme planning standards (MCS 020).

40 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, buildings, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.

41 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.

BACKGROUND PAPERS

[The documents relating to this application can be viewed on the Arun District Council website by going to https://www.arun.gov.uk/weekly-lists and entering the application reference or directly by clicking on this link.](https://www.arun.gov.uk/weekly-lists)

BE/176/21/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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