

PLANNING APPLICATION REPORT

REF NO: BE/21/23/RES

LOCATION: The Cottage
Shripney Road
Bognor Regis
PO22 9PA

PROPOSAL: Approval of reserved matters following outline consent BE/69/19/OUT relating to the layout, scale, appearance and landscaping for the erection of 20 dwellings at The Cottage, Shripney Road, Bognor. This application is not CIL Liable.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	<p>Reserved matters for 20 dwellings with associated parking, road/footway provision, open space, landscaping, and ancillary works. Approval of scale, layout, external appearance, and landscaping are sought. Access was approved at the outline stage.</p> <p>The scheme includes 1 & 2 bed flats and 2, 3 & 4 bed houses. The mix is shown on the "Proposed Site Plan" (drawing 003 Rev P8). The 6 flats will be affordable in accordance with the requirements of the s106 Agreement. The houses will be two storeys in height but as the flatted building has rooms in its roof, it can be described as two and a half storeys.</p> <p>Parking provision comprises a mix of car ports, tandem spaces, on-street visitor spaces and a parking area for the flats with a total of 47 spaces (including 9 visitor spaces). No garages are proposed. There is a cycle store attached to the east side of the flatted building. All other cycle storage will be in car ports or secure sheds in gardens. A condition will be imposed to agree the details of this.</p> <p>Bins will be stored in domestic gardens and this is an appropriate solution. The flatted building has its external bin store, and a specification is provided. There is no lighting scheme, but this is covered by condition 18 of the outline permission. Electric charge points are indicated although these will be assessed through the discharge of outline condition 21.</p> <p>The layout includes two areas of Public Open Space (POS) totalling 1,333m². The flats have their own area of amenity space to the rear and there is a 5m deep planted buffer along the east boundary. Trees along the boundaries and in the POS are retained. The landscaping scheme shows the</p>
----------------------------	--

planting of 19 new trees. Timber fencing is shown with a mix of 1.8m, 1m and 0.4m depending on site situation.

At the point of submission, this scheme was identical to BE/137/19/RES, but the following changes have since been agreed:

- The ground floor flats (2 flats) have been slightly amended in order to be M4(2) compliant.
- 2 of the visitor parking spaces to the south-east of the site by plots 19-19 and 16 have been slightly extended in order to be disabled suitable.
- The footway between plot 20 and the site access has been amended and no longer terminates into car parking; and
- The internal roads have been identified as block paving and gravel to represent a shared surface arrangement.

SITE AREA	0.72 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	28 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	<p>There are 72 surveyed trees or groups of trees on or near the site. Two Tree Preservation Orders (TPO) have been made in respect of the site.</p> <p>TPO/BE/1/17 refers to T1 - a Common Ash Tree west of the existing dwelling/close to the existing site access; T2 - a Pedunculate Oak Tree on the eastern boundary; and G1 - a group of two Lebanon Cedars to the south of the existing dwelling. This TPO was confirmed on the 20th of September 2017.</p> <p>TPO/BE/2/17 refers to T1-T3 - three Sycamore Trees located on or immediately adjacent to the footpath which crosses the site; and T4 - a Beech Tree located in the rear garden of Royce Cottage to the south. This TPO was confirmed on the 29th of November 2017.</p>
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 a 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 southeast 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

CHARACTER OF LOCALITY east side enabling access to Sack Lane to the northeast.

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/17/23/DOC	Approval of details reserved by condition imposed under reference BE/176/21/PL, relating to condition nos: 4 - Arboriculture method statement, 7 - Arboriculture standards inspection, 9 - Hedgerow management, 10 - Surface water drainage scheme, 11 - Discharge flows to watercourses, 12 - Surface water drainage scheme maintenance & management, 15 - Landscaping scheme, 16 - Pedestrian access improvements and 17 - Schedule of materials and finishes.	DOC Part Approved 31-03-23
BE/176/21/PL	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.	App Cond with S106 21-10-22
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 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	Refused 10-10-19

Appeal: Allowed+Conditions

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 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.	App Cond with S106 18-01-18

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 then 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 was then allowed on appeal in May 2020. It requires a reserved matters submission by May 2023. BE/137/19/RES was submitted in accordance with BE/63/17/OUT and was approved in June 2020 but has not been implemented and expired on the 25th of June 2022.

In October 2022, planning permission was granted (BE/176/21/PL) for a 66-bedroom care home with associated access, parking and landscaping. The applicant for this scheme has started to discharge the pre-commencement conditions. It is understood that this application has been submitted to preserve the applicants position (in case the Care Home does not proceed) but it is likely that it will be the care home that is ultimately built on the site.

REPRESENTATIONS

Bersted Parish Council object for the following reasons:

- The transport survey is based on 2017 figures and should be updated; and
- The ground water survey is based on 2018/2019 figures and is out of date and not in accordance with the updated NPPF plus County and District policies.

Aldingbourne Parish Council object supporting the concerns raised by Bersted Parish Council.

No other objections.

COMMENTS ON REPRESENTATIONS RECEIVED:

The associated outline application agreed details of the access and the principle of up to 31 dwellings entering/using the highway network (whereas this application seeks consent for only 20). As such, it is not necessary for an up-to-date Transport Survey to be provided. Surface water drainage is discussed in the report's conclusions.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

HIGHWAYS ENGLAND - no objection.

NATURAL ENGLAND - make no comment.

SUSSEX POLICE - make a number of recommendations to improve the security of the scheme.

WSCC HIGHWAYS - requested some minor amendments concerning the shared surface and footway adjacent to plot 20. The applicant amended the scheme in response and WSCC Highways advise the changes address their previous comments and so no objection is raised. Recommend conditions relating to car parking and cycle storage.

WSCC FIRE & RESCUE - request a condition to secure a fire hydrant on the site.

WSCC DRAINAGE - object as the FRA & Drainage Strategy are not in accordance with the NPPF, Planning Practice Guidance (Aug 2022 version) or with local policies. Require further information to be able to lift the objection. Further comments received 04/05 (in response to a submission by the applicant) maintain the objection.

ADC ENVIRONMENTAL HEALTH - no response but previously advised no comment.

ADC DRAINAGE ENGINEERS - object due to insufficient information. The submitted drainage scheme should not be approved through the reserved matters.

ADC HOUSING STRATEGY & ENABLING MANAGER - objects as the affordable housing is clustered in one area (all flats).

ADC LANDSCAPE OFFICER - no objection to the landscape scheme.

ADC TREE OFFICER - no response but previously advised of concerns with the lack of an approved surface water strategy, the impact of foul water drains on RPA's of retained trees and the impact of the new frontage footway on the off-site T35 Sycamore. On a 'without prejudice' basis, the Tree Officer previously set out two conditions which need to be included should the application be approved.

COUNCIL'S ECOLOGIST - objects due to the age of the bat survey (2018) that is being relied upon to inform the mitigation measures. Request that an updated survey and mitigation measures are submitted for determination.

COMMENTS ON CONSULTATION RESPONSES:

All comments noted and either discussed in the report's conclusions or dealt with by conditions.

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:](#)

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation

ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
HDM1	H DM1 Housing mix
OSRDM1	Protection of open space, outdoor sport, comm& rec facilities
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QEDM3	QE DM3 Air Pollution
QESP1	QE SP1 Quality of the Environment
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management

Bersted Neighbourhood Plan 2014 Policy ES1	Design of new development
Bersted Neighbourhood Plan 2014 Policy ES2	Surface water management
Bersted Neighbourhood Plan 2014 Policy ES5	Building design
Bersted Neighbourhood Plan 2014 Policy ES6	Protection of trees
Bersted Neighbourhood Plan 2014 Policy HDQ2	Integration of new housing
Bersted Neighbourhood Plan 2014 Policy HDQ4	Housing mix
Bersted Neighbourhood Plan 2014 Policy HDQ5	Design of new housing development
Bersted Neighbourhood Plan 2014 Policy HDQ6	Outdoor space
Bersted Neighbourhood Plan 2014 Policy HDQ7	Attention to detail
Bersted Neighbourhood Plan 2014 Policy HDQ8	Car parking

PLANNING POLICY GUIDANCE:

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

SUPPLEMENTARY POLICY GUIDANCE:

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

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011-2031 (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) are referred to 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 complies with relevant Development Plan policies in that it would result in a development of an appropriate scale, layout and appearance which is not harmful to the character & appearance of the area, the existing trees of amenity value or the amenities of existing residents.

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

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. Section 38(5) states: "If to any extent a policy contained in a development plan for an area conflict with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document". Therefore, the ALP takes precedence over the BNDP should there be any conflict between the two.

The principle of new dwellings with a new access from Shripney Road has been established by BE/69/19/OUT, approved on appeal in May 2020 and it is only necessary to consider the outstanding details - layout, appearance, landscaping, and scale. It is only appropriate to consider development plan policy and material considerations in respect of these reserved matters. Matters relating to flood risk, countryside location, highway safety, sustainable transport measures, foul drainage (the principle of 20 new dwellings connecting to the network), children's play and infrastructure were all determined at the outline stage and covered by the relevant conditions.

COMPLIANCE WITH THE OUTLINE:

It has been established by case law that applications for the approval of reserved matters must be in the ambit of the outline planning permission and must be in accordance with the conditions annexed to the outline planning permission. Certain conditions imposed by the outline set parameters for the nature and form of the Reserved Matters submission and these are analysed below. When determining whether reserved matters fall within the ambit of an outline planning permission the courts have allowed a little

freedom of interpretation with the usual test being whether any changes make a material difference to the essence of what was approved.

Condition 4 states that development shall be carried out in accordance with the approved plans which govern the access arrangements but also reference the previous illustrative layout drawing. As this is a reserved matters permission for 20 dwellings and has been submitted in association with the outline for up to 31 dwellings, the illustrative layouts do not precisely match. However, both layouts are very similar in form with the same road layout, access details, block structure and open space arrangements. The proposed layout is not materially different to the previous indicative layout.

Condition 27 requires that the reserved matters include a housing mix which sets out a range of range of house types and tenures that is specific to Bersted and provides a proportion of homes to meet Lifetime Home standards (or the equivalent current standard). The application advises that neither the Arun Local Plan 2018 nor the Bersted Neighbourhood Plan (2014) prescribe a specific housing mix for market housing but instead seek to ensure balanced mix. For this reason, the following mix has been proposed:

- 2 no. one bedroom flats.
- 4 no. two bedroom flats.
- 2 no. two bedroom houses.
- 10 no. three bedroom houses; and
- 2 no. four bedroom houses.

The scheme includes 2 M4(2) homes. These aspects are discussed elsewhere in this report.

Conditions 28, 29 and 30 set out requirements for the submission of the landscaping elements of this reserved matters application and include boundary treatments and a landscape management plan. These requirements have been met.

LAYOUT, APPEARANCE AND SCALE:

ALP policies D DM1 and D SP1 are relevant in respect of design and character. Policy AH SP2 seeks to ensure that affordable housing is visually indistinguishable from market housing and that layouts avoid large clusters. BNDP policies ES1, ES5, HDQ2 and HDQ5 are relevant seeking high-quality design and development in character with its surroundings. The National Design Guide (NDG) is a material consideration in the determination of this application, as well as the Arun Design Guide (ADG).

The layout is essentially the same as the approved (but expired) submission, BE/137/19/RES. The only differences are very minor (as set out in the description section above) and represents improvements on the previous scheme. The former layout remains appropriate to the site and its surroundings. It is material that the ADG was at an advanced stage at the time the report for BE/137/19/RES was drafted (having been through initial formal public consultation in Jan/Feb 2020). There have been no other changes in planning policy in respect of design since that time.

According to the Councils "Open Space, Playing Pitches & Indoor & Built Sports Facilities" SPD, the Public Open Space (POS) requirement is 1,408m². The layout provides POS in two areas either side of the access road. The provision is 1333m² which is 75m² short. The Landscape Officer advises that this is acceptable as the flats have additional communal amenity space which is around 80m².

There were previously some concerns with visitor parking in that spaces adjacent to plot 20 may be more appealing to owners of plots 17-20 than the car ports at the rear of their gardens. The applicant amended the plans to show secure rear doors in the car ports to enable easy access between the house and car. Residents will prefer to park in the car ports where their cars will be protected from the elements and

from accidental damage.

The flatted building is 2.5 storeys high, and it is true that there are no other instances of homes in the vicinity with accommodation in the roof. This building is tucked away in one corner of the site and it will not be particularly visible in the Shripney Road streetscene and so any visual harm will be minimal. There are no levels changes indicated by the proposal.

It is accepted that views of the site will be altered from the footpath (PRoW 151) that runs adjacent to the southern boundary. Such a change is inevitable given the existing outline permission but the scheme ensures there are no buildings higher than two storeys adjacent to the footpath and the hedging is retained and supplemented where gaps exist.

The street scenes are mixed with assorted designs, heights, building lines and materials. All houses have shallow front gardens or buffer strip areas, and the layout is open plan with no front boundaries. The materials palette is based around slate roof tiles, red and grey brick, and timber weatherboarding. This is appropriate and it is not necessary to impose a materials condition.

The applicant provided a written response to the National Design Guide and emerging Arun Design Guide in Part 2 of the Design & Access Statement (pages 28 & 48). The applicant states the proposal is reflective of the guidance and this is agreed.

Matters of layout, appearance and scale are appropriate for the characteristics of the site and the character/appearance of the surrounding area. The proposal accords with ALP policies D DM1 & D SP1, BNDP policies ES1, ES5, HDQ2 & HDQ5, the ADG and NPPF guidance.

LANDSCAPING & TREES:

ALP policy LAN DM1 requires that development respect the particular characteristics and natural features of the relevant landscape character areas. In addition, policy D DM1 requires developments to incorporate new tree planting and to improve upon character through landscaping. ALP policy ENV DM4 states TPO protected trees, Ancient Woodland, those in a Conservation Area or trees that contribute to local amenity shall not be 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 a soft landscaping plan, hard & soft landscaping plan and planting plans which provide a comprehensive and varied planting scheme. The application is also accompanied by an Arboricultural Impact Assessment & Method Statement which sets out measures to protect existing trees. It is proposed to plant 19 trees and new hedgerows particularly bordering the POS, between plots 13 & 14, between plot 10 & the adjacent car ports and to a gap in the southern boundary to the footpath. The scheme proposes the planting of new shrubs, wildflower meadow and flowers. The submission also details hard landscape treatments.

The submission has not attracted comments from the Tree Officer, but it is material that the only concerns raised previously (on BE/137/19/RES) were in respect of surface and foul drainage - and that conditions were proposed to support an approval. Members previously granted permission to effectively the same scheme at the meeting in June 2020.

One other aspect of the scheme that potentially affects trees is a footpath along the site frontage that will link the new site access with the existing PRoW footpath to enable connectivity between the two and then beyond to the Robin Hood Public House. The only way to not affect trees would be to remove the footpath, however, this would not be positive in respect of site connectivity/sustainability. The footpath in

question was shown on the access plans approved by the Outline (which granted matters of access) and so is not being determined by this reserved matters application.

The scheme accords with ALP policies LAN DM1 & D DM1 and with BNDP policy ES6. There is some conflict with ALP policy ENV DM4 as trees of high amenity value may be adversely affected by the proposals.

OTHER MATTERS:

The reserved matters of scale, layout, appearance and landscaping have been assessed above. There are other issues to consider which relate to the detail of the scheme, but which do not neatly fall under the above headings.

(A) Housing Mix:

ALP policy H DM1 provides for a mix of housing to meet local needs and requires all housing development to provide a mix of dwelling types and sizes to address this need and demand. The policy acknowledges that the final mix will be negotiated on a site-by-site basis, having regard to the most up to date Strategic Housing Market Assessment (SHMA).

Paragraph 63 of the "Updated Housing Needs Evidence" (September 2016) stated the evidence highlights a direction towards the provision of 2 and 3 bed units for market units and smaller affordable units. Table 29 identifies a suggested broad mix of market housing by size for the District:

- 1-bed dwellings: 5-10% of all dwellings.
- 2-bed dwellings: 40-45% of all dwelling.
- 3-bed dwellings: 35-40% of all dwellings; and
- 4+ bed dwellings: 10-15% of all dwellings.

Separate ratios are given for affordable rented and intermediate/starter homes however this element of the mix is governed by the s106 legal agreement. BNDP policy HDQ4 requests a mix based on Bersted's specific needs to address the needs of current and future households. The following mix is proposed for the market dwellings on the site:

- 2 x 1-bed dwellings (10%).
- 6 x 2-bed dwellings (30%).
- 10 x 3-bed dwellings (50%); and
- 2 x 4-bed dwellings (10%).

The range is broadly acceptable with reference to the advice in the SHMA and ALP policy H DM1. Whilst there is no response to the BNDP policy, it is material that the mix is the same as was approved previously and that the BNDP policy was in force at that time. In addition, any conflict between the two policies would, due to age, be resolved in favour of compliance with the ALP.

Whilst the objection from the Housing Strategy & Enabling Manager that the affordable housing is clustered in one area (all flats) is duly noted, the scheme provides a total of only twenty new dwellings and it would be unnecessary and impracticable for the affordable units to be pepper-potted throughout the development for this small a number of dwellings.

(B) Housing for Older People:

BNDP policy HDQ4 requires that a proportion of the housing proposed is required to meet Lifetime

Homes standards. These standards no longer exist and have been replaced by parts M4(2) and M4(3) of the Building Regulations.

Arun has an agreed internal policy on the provision of housing accommodation to provide for an ageing generation ("Accommodation for Older People and People with Disabilities", 2020). This is not adopted policy or a supplementary planning document but has some weight as a material planning consideration and is supported by references in ALP policies D DM1 & D DM2. This sets out a requirement for 7 homes meeting the M4(2) standard. The scheme as previously approved by BE/137/19/RES comprised no M4(2) provision. The applicant has agreed to provide 2 ground floor flats as M4(2) and has supplied amended floorplans. This complies with the BNDP policy as a proportion of homes meet the standard. There is conflict with the ADC guidance, but this would not support a refusal due to the previous approval and the status of the guidance versus the status of the BNDP policy.

(C) Residential Amenity & Space Standards:

ALP policies D DM1, D DM2 and QE SP1 are relevant. The ADG sets out guidance on interface distances between houses:

- Back-to-back: min. 21m between habitable rooms of properties or to existing buildings.
- Back/ front to side: min. 14m between habitable rooms and side gable of adjacent property; and
- Front to front: min. 16m between habitable rooms and site boundary to existing landscaping.

All plot-to-plot relationships meet the standards except between the fronts of plots 8/9 and the side of 20 where the distance is around 13m. As the SPD is guidance and as the shortfall is not significant this is acceptable. The relationships are also acceptable to existing residential properties. The ADG also includes guidance on garden sizes as follows:

- Private Rear Garden: min. 10.5m depth.
- Private Front Garden: min. 2m depth.
- Private Amenity Space for flats: at least 3sqm of useable space; and
- Communal Shared Spaces for flats: minimum 40sqm plus 10sqm for each unit if not provided as balcony/patio/terrace.

All of the houses have private rear gardens and although not all gardens are the full 10.5m depth (plots 9, 10, 15 only have around 10m), they are all useable private spaces particularly having regard to their widths. The depth requirement is not so important as it is required to ensure a back-to-back distance of 21m and there are no back-to-back relationships on the site or with adjoining land.

The standards require 100m² of communal amenity space for the flatted building and this is met by the grassed space to the rear of the building. Flat 3 has a large balcony on the west elevation (first floor level) looking towards the road. This is 18m from the road at the closest point so no harm to the amenities of those houses on the other side of the A29.

As per ALP policy D DM2, it is necessary to assess the proposal against internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard or NDSS) to determine if the buildings will be suitable for future residential occupiers. The floorplans of each house have been cross referenced with the NDSS and the minimum gross internal floor areas of the houses (market and affordable) clearly meet the standards.

(D) Parking, Roads, and Public Footpaths:

ALP policy T SP1 and BNDP policy HDQ8 are relevant although the latter has reduced weight due to the

adoption of the Arun Parking Standards SPD.

As part of the outline approval plans, a new section of footway on the site frontage was shown and this links the site access to the entrance to the Robin Hood car park to the north (where there are bus stops), the entrance to the footpath (PRoW 151) to the south and to a new informal crossing point on the A29. This proposal makes improvements for pedestrian movements and facilitates safer access to bus stops. The road layout whilst not having designated footpath in places (being shared surface), will be safe to use due to low anticipated traffic speeds and plenty of visibility. WSCC Highways have advised no objections in terms of the movement of vehicles or safety of pedestrians.

The parking requirement according to the Arun Parking Standards SPD is 46 including 4 visitor spaces. The scheme shows 47 spaces including 9 visitor spaces meaning a shortfall in allocation for the flats, but this is acceptable as (a) the SPD allows for flexibility with flats as not all 1-bedroom flats will be occupied by two car owning people and (b) the overall provision exceeds the requirements. The proposal accords with ALP policies T SP1 & T DM1, BNDP policy HDQ8 and with the Parking Standards SPD.

(E) Waste Management:

ALP policy WM DM1 is relevant but, in this case, there are no issues with refuse vehicles accessing the site from Shripney Road, and the application is supported by refuse vehicle tracking (to which WSCC raise no concerns) as well as details of individual bin storage and communal bin stores. The layout enables refuse vehicles and fire appliances to enter and exit the site in a forward gear. The application achieves sufficient provision for the storage of waste and kerbside collection is possible for all of the dwellings. The development accords with policy WM DM1 of the ALP.

(F) Surface Water Drainage:

Members should note that detailed drainage matters are already covered by conditions 12, 13, 14 and 23 on the outline planning permission and will be agreed through the discharge of such conditions. ALP Policy W DM3 and BNDP policy ES2 are both relevant. The applicant indicates the drainage scheme will include the use of permeable paving, underground attenuation tanks and a small infiltration basin on the site frontage. It is proposed to fit water butts to downpipes.

The application attracted objections from the council's drainage engineer and WSCC Drainage. Should there be a situation where the drainage conditions cannot be agreed in the future due to the layout not providing sufficient space then a new reserved matters application would need to be submitted to account for the necessary drainage changes. It is material that the layout was previously found to be acceptable, and that County have not objected on any previous schemes at the site. On this basis, this reserved matter application can be determined without the support of drainage engineers and therefore it is not necessary to demonstrate compliance with the relevant policies at this time.

The applicant is aware that if this layout is approved and it becomes clear that the drainage condition cannot be agreed due to the layout not providing sufficient space, they will need to submit a new Reserved Matters application. An informative has been included. On this basis, there is no conflict with ALP policy W DM3 or BNDP policy ES2.

(G) Climate Change:

Condition 8 on the outline requires the approval of measures to provide 10% of the energy supply of the development from decentralised and renewable or low carbon energy sources. With the condition in place and subject to the proposed plans the proposal would accord with ALP policy ECC SP2. In addition, condition 21 requires the separate approval of details of electric vehicle charge points, and this

satisfies the requirements of ALP policy QE DM3(c).

(H) Biodiversity Net Gain:

ALP policy ENV DM5 states development schemes shall seek to achieve a net gain in biodiversity and protect habitats on site. In addition, condition 5 of the outline permission requires that the development be in accordance with the recommendations and mitigation measures as set out within the Preliminary Ecological Appraisal (September 2018) and the Bat Activity Surveys Report (June 2017). Biodiversity was assessed at outline stage and the council's ecologist raised no objections at that time.

The ecologist has raised objection due to the age of the supporting surveys. The ecologist does not advise how long such surveys are valid for and neither do the survey reports themselves. Planning Practice Guidance provides advice on making decisions where bats are concerned and provides a link to a Chartered Institute of Ecology and Environmental Management (CIEEM) advice note "On the Lifespan of Ecological Reports and Surveys". This states that reports older than 3 years are unlikely to still be valid and most, if not all, of the surveys are likely to need to be updated (subject to an assessment by a professional ecologist).

Notwithstanding, it is material that condition 5 of BE/69/19/OUT was clearly worded by the Planning Inspector that the development must be carried out in accordance with the two reports referred to (however, at the time of the appeal decision, the Preliminary Ecological Appraisal was 20 months old whilst the Bat Activity Survey Report was just shy of 3 years old). As the outline permission remains valid and the applicant is complying with the condition that was imposed, it would be difficult to sustain an objection at appeal based on the validity of the survey reports.

It is clear that the ecologist has misinterpreted the final sentence of the condition in their comments. This states: "The enhancements and mitigation measures shall be retained and thereafter maintained as fit for purpose". This is clearly in place to ensure that the physical measures to be implemented at the site (e.g., nesting boxes) are maintained such that they (e.g.) continue to provide nesting habitat. The ecologist advises that as the surveys are six years old, they are no longer "fit for purpose". This is not the intention of the condition.

As the application clearly demonstrates biodiversity enhancements as per the previous condition, there is no conflict with ALP policy ENV DM5.

SUMMARY:

There are no materially harmful concerns with the reserved matters scheme and the application accords with development plan policies. Therefore, it is recommended permission be granted subject to the following additional conditions alongside the conditions imposed on BE/69/19/OUT.

However, the application description was amended on 10/05/23 to clarify which outline permission the reserved matters had been submitted against. It had initially referred to BE/63/17/OUT which was no longer valid. Due to this change, the Parish Council were re-consulted and new site notices posted. This re-consultation period does not expire until the 9th June which is after the date of the committee. The recommendation is therefore, that the Committee give the Group Head of Planning, in consultation with the Chairman of the Planning Committee, delegated authority to issue a decision once the consultation period ends.

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.

RECOMMENDATION

APPROVE CONDITIONALLY

1 The development hereby approved shall be carried out in accordance with the following approved plans & documents:

- 001 Rev P1 Site Location Plan.
- 003 Rev P8 Site Plan.
- 004 Rev P3 Detailed Plan.
- 010 Rev P2 Proposed Plans Plots 1-6.
- 011 Rev P3 Proposed Plans 7-10.
- 012 Rev P3 Proposed Plans 11-13.
- 013 Rev P3 Proposed Plans 14-16.
- 014 Rev P5 Proposed Plans Plots 17-20.
- 020 Rev P2 Proposed Plans and Elevations Plots 1-6.
- 021 Rev P3 Proposed Plans and Elevations 7 and 10.
- 022 Rev P3 Proposed Plans and Elevations Plots 8 and 9.
- 023 Rev P2 Proposed Plans and Elevations Plots 11 and 16.
- 024 Rev P3 Proposed Plans and Elevations Plots 12-15.
- 025 Rev P5 Proposed Plans and Elevations Plots 17-20.
- 030 Rev P3 Proposed Street Scenes 1 2 3.
- 031 Rev P3 Proposed Street Scenes 4 5.
- 040 Rev P2 Proposed Site Section AA.
- Hard and Soft Landscape General Arrangement Dwg 100 Rev 04.
- Soft Landscape Layout Dwg 200 Rev 02.
- Detail Planting Plan 1 of 7 Dwg 201 Rev 02.
- Detail Planting Plan 2 of 7 Dwg 202 Rev 02.
- Detail Planting Plan 3 of 7 Dwg 203 Rev 02.

Detail Planting Plan 4 of 7 Dwg 204 Rev 02.
Detail Planting Plan 5 of 7 Dwg 205 Rev 02.
Detail Planting Plan 6 of 7 Dwg 206 Rev 02.
Detail Planting Plan 7 of 7 Dwg 207 Rev 02.
Hard and Soft Landscape Specification Dwg. 001 Rev 01; and
Landscape Management Plan Dwg 001 Rev 01.

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

- 2 All activity at the site is to be carried out in strict accordance with: - Arboricultural & Planning Integration Report, Arbortrack Systems Ltd, ref. jwmb/rpt7/thecottage/PI, 5th June 2020.

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.

- 3 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 H. June 2020.

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.

- 4 No development above damp-proof course (DPC) level shall take place unless and until a scheme has been submitted to and approved by the local planning authority to show how the needs of hedgehogs will be accommodated in the development. This shall include the placement of hedgehog nesting boxes and the creation of gaps in boundary treatments to ensure that hedgehogs are able to move into/out of and around the development. The approved measures shall thereafter be implemented prior to occupation of any part of the development and permanently retained thereafter.

Reason: Hedgehogs were not considered by the mitigation/enhancement measures in the Preliminary Ecological Appraisal approved by BE/63/17/OUT and in accordance with the

NPPF and policy ENV DM5 of the Arun Local Plan.

- 5 No development above damp-proof course (DPC) level shall take place until details of cycle stores/internal storage racks for plots 7-20 have been submitted to and approved by the Local Planning Authority and none of the houses and flats shall be occupied until the approved cycle storage sheds/storage racks/internal stores associated with them have been implemented. The cycle racks shall be maintained in perpetuity.

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

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

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a development of visual quality in accordance with policies D SP1 and D DM1 of the Arun Local Plan.

- 7 No dwelling shall be first occupied until the car parking serving the respective dwelling has been constructed in accordance with the approved site plan. Once provided the spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use in accordance with policy T SP1 of the Arun Local Plan.

- 8 Plots 17-20 shall not be occupied unless and until secure pedestrian gates have been installed in accordance with drawing 6656 PL-031 Rev P3 "Proposed Street Scenes 4, 5"). These gates shall thereafter be permanently retained and maintained in good working condition.

Reason: To ensure there is access from the car ports to the respective residential properties in the interests of good design and connectivity in accordance with policies D DM1 and D SP1 of the Arun Local Plan.

- 9 Prior to the occupation of any dwelling, details of a fire hydrant, its connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting together with its maintenance, or a suitable, alternative arrangement, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details, and the hydrant, or the alternative arrangement, shall be retained thereafter.

Reason: In order to provide adequate infrastructure for emergency services, in accordance with Policy INF SP1 of the Arun Local Plan.

- 10 All bathroom and toilet windows hereby approved shall be glazed with obscured glass and permanently retained as such thereafter.

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

- 11 Notwithstanding the provisions of Part 1 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting this Order) there shall be no rear extensions or outbuildings constructed in the curtilages of plots 7-14 & 16 and there shall be no alterations to any of the approved car ports within the site (plots 7-20) unless permission is granted by the Local Planning Authority on an

application in that behalf.

Reason: To safeguard the privacy and amenity of adjoining occupiers, maintain adequate amenity space and safeguard the cohesive appearance of the development in accordance with policy D DM1 of the Arun Local Plan.

- 12 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.
- 13 INFORMATIVE: The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received. For further information, please contact the Environmental Health Department on 01903 737555.
- 14 INFORMATIVE: The applicant's attention is drawn to the requirements of the Environmental Protection Act 1990 and the Clean Air Act 1993 with regard to burning on site. A statutory nuisance may be caused by smoke and ash from fires or noise from the cutting or chipping trees. In addition, air quality could be adversely affected on large projects. The granting of this planning permission does not permit a statutory nuisance to be caused. The Environment Agency should also be contacted regarding Exemption Permits to burn on site.
- 15 INFORMATIVE: The applicant should note that this layout has been approved without agreement by Drainage Engineers to the scheme layout and therefore if it subsequently becomes clear that the drainage conditions cannot be agreed due to the layout not providing sufficient space for drainage then a new Reserved Matters application (and potentially also a new outline or full application) will need to be submitted as the Local Planning Authority will not be able to agree such changes through the Non Material Amendment process.
- 16 INFORMATIVE: This permission does not in any way discharge condition 21 (electric car charge points) on the outline planning permission and as such you will need to apply separately to discharge this condition. Please ensure that the submission of details complies with the guidance in the SPD which sets out that:

- 100% of parking spaces of houses with a driveway or garage require an active charge point.
- At the current rate until 2028, 30% of all other parking spaces require an active point; and
- Ducting is provided at all remaining spaces where appropriate to provide 'passive' provision for these spaces to be upgraded in future.

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/21/23/RES - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



Based on the Ordnance Survey mapping with permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Arun District Council 100018487. 2015