

PLANNING APPLICATION REPORT

REF NO: BE/61/23/RES

LOCATION: Land East of Shripney Road &
South of Hadden House
Shripney Road
Bersted
PO22 9NW

PROPOSAL: Approval of Reserved Matters, following BE/109/19/OUT, for the provision of 44 dwellings, providing details of layout, scale, appearance and landscaping. This application is in CIL Zone 3 and is CIL Liable as new dwellings, may affect the character and appearance of the Shripney Conservation area and is a Departure from the Development Plan.(Resubmission of BE/131/22/RES).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	<p>Reserved matters for 44 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 within the submitted design and Access Statement (Rev B). 6no. 1-bed flats, 5no. 2-bed flats and 2no. 3-bed terraced houses will be affordable in accordance with the requirements of the s106 Agreement. The majority of houses and flatted buildings will be two storeys in height, with some units going up to three storeys (those on plots 31-34 and 38-41, respectively).</p> <p>Parking provision comprises a mix of car ports, tandem spaces, on-street visitor spaces and parking areas for the flats with a total of 104 spaces (including 12 visitor spaces). Two garages are also proposed. There is a secure communal cycle storage within plot 18-22 building for plots 18-28 with at least one space per flat. All other cycle storage will be in garages and secure sheds in gardens.</p> <p>Bins will be stored in domestic gardens and this is an appropriate solution. The flatted buildings have an external bin store, and a specification is provided. There is no lighting scheme, but this is covered by condition 20 of the outline permission. Electric charge points are not indicated, although these will be assessed through the discharge of outline condition 15.</p>
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The layout includes four areas of Public Open Space (POS) totalling 3180m². The flats have their own area of amenity space to the rear. The majority of trees along the boundaries are retained. The landscaping scheme shows the planting of 52 new trees.

SITE AREA	1.8 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	24 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	The Tree Constraints Report identifies 13 significant trees (T1-T13) that will be a constraint on development. These are considered to be of high or moderate quality. T1-T10 (Oaks on the eastern boundary/south eastern corner) are protected by TPO/BN/4/19.
BOUNDARY TREATMENT	Mixed: <ul style="list-style-type: none">- Low post and rail fence along the road frontage;- Part timber fence, part chain link around the substation in the northwestern corner;- 2m Hedge to northern boundary with Haddan House;- Part flank wall/part fence/part 4m hedge to Wayside to the south; and- Assumed post & rail fence to the eastern boundary.
SITE CHARACTERISTICS	<p>There is an open ditch running along part of the Shripney Road frontage.</p> <p>Large roughly rectangular grassed site with an approximate 200m frontage to Shripney Road. Existing trees and hedge planting to part of the boundaries. There is an unmade vehicular access at a point just north of the A29/Shripney Lane junction which leads up to a 2m high metal gate at the site boundary. Just beyond this gate is the remains of a timber structure possibility previously used as stables. In the northwest corner (outside of the site area) is an electricity substation.</p>
CHARACTER OF LOCALITY	<p>The site is in a semi-rural location on the A29 (Shripney Road). There is sporadic residential development characterised by detached dwellings in large plots on the east of Shripney Road with open countryside to the rear. To the west, the density is higher with houses closer together in narrower plots. The houses on the east have a mixed building line and some extend back into their respective gardens. There is no clear architectural style or local vernacular. Houses are a maximum of two storeys although some have rooms in the roof above first floor.</p> <p>The adjoining dwelling to the south (Wayside) consists of a large part single storey/part two storey detached dwelling (plus rooms in the roof) set in from the road frontage with front gravelled parking area and extensive gardens to the rear. It</p>

has a deep rear single storey projection part of which is built directly onto the boundary but has no windows facing onto the site.

To the north, sits Haddan House, a part single, part two storey dwelling set back from the road and with extensive rear gardens. It has a conservatory to the side adjoining the boundary with the site but no obvious windows looking onto the site.

RELEVANT SITE HISTORY

BE/131/22/RES Approval of reserved matters following outline consent Withdrawn
BE/109/19/OUT for 44 No dwellings with details of layout 27-03-23
scale, appearance and landscaping. This application is in
CIL Zone 3 and is CIL Liable as new dwellings, may
affect the character and appearance of the Shripney
Conservation Area and is a Departure from the
Development Plan.

BE/109/19/OUT Outline application with some matters reserved for up to Refused
46 No dwellings together with access. This application is 25-06-20
a Departure from the Development Plan & may affect the
character & appearance of the Shripney Conservation
Area.

**Appeal: Allowed+Conditions
09-12-21**

BE/109/19/OUT for up to 46 dwellings was refused in June 2020 due to concerns regarding its location outside of the built-up area, flood risk, loss of Grade 2 agricultural land, lack of affordable housing and lack of onsite public open space or children's play equipment, but was then allowed on appeal in December 2021.

BE/131/22/RES for 44 dwellings was withdrawn in March 2023 in order to address outstanding concerns regarding a lack of landscaping detail, garages below the relevant internal standards, clustering of affordable housing, limited private/community space for flats and interface deficiencies, particularly between plots 31/32 to 26-30.

REPRESENTATIONS

Bersted Parish Council object to the application, subject to further information from West Sussex County Council (WSCC) as the Lead Local Flood Authority (LLFA) that the drainage issues have been resolved.

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

No other objections or representations have been received.

COMMENTS ON REPRESENTATIONS RECEIVED:

Surface water drainage is discussed in the report's conclusions.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

NATIONAL HIGHWAYS - No objection.

NATURAL ENGLAND - No comment.

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

WSCC HIGHWAYS - No objection. Requested minor amendment concerning the location of disabled access for the hatched visitor spaces east of plot 42 within the carriageway. WSCC Highways advise that previous points in regard to car and bicycle parking and internal layout have been addressed.

WSCC FIRE & RESCUE - Comment regarding condition attached to outline permission to secure fire hydrant(s) on the site.

WSCC FLOOD RISK MANAGEMENT (LLFA) - Initial objection as the Drainage Strategy is not in accordance with the NPPF, Planning Practice Guidance or with local policies. Require further information to be able to lift the objection. Further comments received 30/06 maintain the objection.

ADC DRAINAGE ENGINEERS - No response but raised no objection to the outline application.

ADC GREENSPACE - No response but raised no objection to the outline application.

ADC ECOLOGICAL ADVISOR - No objection following updates to the Preliminary Ecological Appraisal, Bat Activity Surveys and Dormouse Survey results submitted 2018/2019.

ADC CONSERVATION OFFICER - No objection.

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;
Class A Road;
Area of Special Control of Adverts;
Tree Preservation Order (TPO/BN/4/19);
CIL Charging Zone 3;
Mix of Flood Zones 1, 2 & 3; and
Future Flood Zone 3a by 2061/2115.

DEVELOPMENT PLAN POLICIES

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

DDM1 D DM1 Aspects of form and design quality

DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVSP1	ENV SP1 Natural Environment
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
GISP1	GI SP1 Green Infrastructure and Development
HSP1	HSP1 Housing allocation the housing requirement
HSP2	H SP2 Strategic Site Allocations
HDM1	H DM1 Housing mix
AHSP2	AH SP2 Affordable Housing
HWBSP1	HWB SP1 Health and Wellbeing
INFSP1	INF SP1 Infrastructure provision and implementation
LANDM1	LAN DM1 Protection of landscape character
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
QEDM4	QE DM4 Contaminated Land
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
SODM1	SO DM1 Soils
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WSP1	W SP1 Water
WDM1	W DM1 Water supply and quality
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 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 HDQ1	Housing Site Allocations
Bersted Neighbourhood Plan 2014 Policy HDQ2	Integration of new housing
Bersted Neighbourhood Plan 2014 Policy HDQ3	Windfall sites
Bersted Neighbourhood Plan 2014 Policy HDQ4	Housing mix
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:

SPD1 Open Space & Recreation Standards
SPD3 Parking Standards

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 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states: "In considering whether to grant Listed Building Consent for any works, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

Section 72(1) of the Act states: "In the exercise, with respect to any buildings or other land in a Conservation Area of any powers (under the Planning Acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

The proposal complies with these in that it preserves the character of the conservation area and the setting of the nearby Listed Building through a combination of a sympathetic design and materials, and intervening vegetation and development.

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

The proposed development would make a meaningful contribution towards meeting the district's identified need for market and affordable housing and this should be afforded planning weight in the determination of this application. 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 up to 46 new dwellings, with a new access from Shripney Road, has been established by BE/109/19/OUT, approved on appeal in December 2021 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 are covered by the relevant conditions which are still applicable from the outline permission.

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. The Illustrative Masterplan submitted in support of the application was treated as being for indicative purposes only by the Inspector as part of the appeal case (ref. APP/C3810/W/20/3264105) and therefore not included within the list of approved plans. As this is a reserved matters permission for 44 dwellings and has been submitted in association with the outline for up to 46 dwellings, the illustrative masterplan and reserved matters 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 1 sets out the requirement for the submission of the landscaping elements of this reserved matters application. 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 broadly similar to the approved submission, BE/109/19/OUT. The differences are relatively minor (as set out in the description section above) and represent 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 3098m². The layout provides POS in a number of areas around the site with a total provision of 3180m², which exceeds the requirement and is acceptable.

Concerns were raised with how some of the parking spaces had been allocated on the previously submitted reserved matters application (BE/131/22/RES). The applicant has addressed these concerns as part of the current application by redistributing parking where possible and by introducing car barns with green roofs in order to break-up some of the larger areas of parking. Allocation of parking spaces has also been improved by siting spaces directly outside dwellings where possible.

The flatted buildings fronting Shripney Road have been redesigned as 2 storeys to address concerns raised in relation to massing and character on the previously submitted reserved matters application (BE/131/22/RES). As a result, the buildings 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.

The street scenes are mixed with assorted designs, heights, building lines and materials. Most 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 and clay-effect roof tiles, red and buff brick, and timber weatherboarding. This is appropriate to the context of the area and it is not necessary to impose a materials condition.

The applicant provided a design rationale and response to the Arun Design Guide in Part 2 of the Design & Access Statement (page 15). 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 an illustrative landscape strategy plan and detailed planting plans which provide a comprehensive and varied planting scheme. The application is also accompanied by an Arboricultural Impact Appraisal and Method Statement which sets out measures to protect existing trees. It is proposed to plant 52no. trees and new hedgerows throughout the site and the scheme proposes the planting of new shrubs, wildflower meadow and flowers.

The submission has not attracted comments from the Tree Officer, but it is material that no objection was raised in relation to the outline application.

The scheme accords with ALP policies LAN DM1, D DM1 and ENV DM4 and with BNDP policy ES6.

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:

- 6 x 1-bed dwellings (13.6%).
- 20 x 2-bed dwellings (45.3%).
- 11 x 3-bed dwellings (24.9%); and
- 7 x 4-bed dwellings (15.9%).

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.

(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 13 homes meeting the M4(2) standard and an additional 2 homes meeting the M4(3) standard. The applicant has proposed 16 units as M4(2) and 2 units as M4(3), which is consistent with the relevant ALP and BNDP policies and guidance.

(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 and the relationships to existing residential properties are also acceptable in most cases. It is however noted that four of the site's eight three-storey units (plots 31-34) back onto the side elevation of the conservatory to the existing dwelling immediately to the north. Whilst the interface distances involved comfortably meet the minimum distances set out within the ADG and the existing boundary tree planting will help screen the majority of views, the current arrangement would introduce windows to habitable rooms at a third-storey level with potential views towards a habitable room of an adjoining property and the private amenity space serving the existing neighbouring dwelling. Officers are exploring potential revisions to room layouts and the fenestration to the rear of these units with the applicant, in this respect, and any progress/amended drawings will be relayed to Members as part of an update report to Committee.

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 31 and 32 only have around 9.5m), 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 also require 150m² of communal amenity space for the flatted buildings and this is met by the 200m² grassed area to the rear of the buildings.

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 pedestrian crossing on the A29 with a tactile paved dropped kerb island in the carriageway was shown, connecting the existing pavement on the west side of the A29 with a new footpath on the east side leading into the site and then out again via a footpath to the south, which then connects with existing pavement on the east side of 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 raised no further objections in terms of the movement of vehicles or safety of pedestrians.

The parking requirement according to the Arun Parking Standards SPD is 95 plus 9 visitor spaces. The scheme shows 92 allocated spaces plus 12 visitor spaces, with a shortfall for the 1-bed units and some of the 4-bed units, 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 meets the requirements.

Whilst WSCC Highways consider that the previous points in regard to car and bicycle parking and internal layout have been addressed, they advise that the hatched visitor spaces east of plot 42 be set back as disabled access within the carriageway is not ideal. This small modification has been requested and it is anticipated that this issue will be resolved prior to Committee. An update will be provided.

Pending minor revision to the layout in relation to visitor spaces and disabled access, 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 8 and 9 of 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, potential infiltration techniques along the northern edge and a small pond on the site frontage.

Whilst no objections were raised by either the WSCC Flood Risk Management team or ADC Drainage, concerns were raised over the lack of open features, which were discounted in favour of permeable

paving and an underground attenuation tank on the basis of limited space available within the site. As approval of layout was not sought as part of the outline application, a standard condition (PCENGD2) was requested, requiring separate approval of full details of the proposed surface water drainage scheme.

This application has attracted an objection from 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 did not object to the previous scheme at the site. On this basis, this reserved matter application can be determined without the support of County 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 6 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 15 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. Biodiversity was assessed at outline stage and the Council's Ecologist raised no objections at that time, subject to mitigation measures secured by suitable planning conditions.

The Council's Ecological advisor has reviewed the submitted Ecology Addendum submitted with this reserved matters application, which updates the Preliminary Ecological Appraisal, Bat Activity Surveys and Dormouse Survey results submitted 2018/2019, raising no objection.

The Dormouse Survey undertaken in 2019 found no evidence of Dormice; however, a full composite of surveys was not carried out. Condition 11 of the outline permission therefore requires the separate approval of precautionary mitigation methods, which include the need to protect the boundary features during construction were recommended.

A Tree Protection Plan has been submitted as part of this reserved matters application, which details where protective barrier fencing will be located to protect boundary features, although the plan does not include details of enhancement measures, as detailed within the condition. The Council's Ecological advisor is currently satisfied that boundary features which could be utilised by Dormice will be safeguarded during the development.

Condition 20 of the outline permission relates to external lighting details. The Council's Ecological advisor states that any external lighting should avoid illuminating boundary features such as hedgerows and recommends the need for a wildlife sensitive lighting scheme, which should be secured within the submission to discharge this condition to avoid impacts on Dormice.

Condition 12 of the outline permission requires the separate approval of a wildlife protection, enhancement and mitigation plan prior to any works above slab level.

As the application clearly demonstrates biodiversity enhancements as per the previous conditions, which satisfy the requirements of ALP policy ENV DM5.

(l) Heritage:

Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

ALP policy HER SP1 states that development likely to prejudice heritage assets including designated and non-designated heritage assets and their settings will be refused. The site lies outside of the Shripney Conservation Area (a designated heritage asset) but is located a short distance away from it and the setting of the Conservation Area, therefore, needs to be considered. It is of note that the conservation area itself is separated from the application site by more recent development. This prevents intervisibility between the asset and the site. Accordingly, the development will not impact upon the setting of the conservation area, and as a consequence, there is no harm to the overall significance of the heritage asset. On the basis of no harm to the significance of the heritage asset, it is not necessary to consider further the public benefits of the development in this regard.

Heritage was not considered at the outline planning stage as only access was applied for. All other matters (including layout, appearance and scale) were reserved, making it inappropriate to consider heritage impacts at that time. Now that these reserved matters have been applied for, the Council's Conservation Officer has reviewed the reserved matters application and states that it will not cause harm to the significance of the heritage assets or their setting and, as a consequence, it should be determined in accordance with the relevant policies within the Development Plan. On that basis, the proposal complies with policy HER SP1 of the ALP and the relevant paragraphs in the NPPF that deal with heritage matters.

SUMMARY:

The reserved matters scheme is broadly consistent with the illustrative layout submitted at the outline stage, albeit two fewer dwellings overall are now proposed, and the application accords with development plan policies. Therefore, it is recommended permission be granted subject to the following additional conditions, which will apply alongside the conditions imposed on BE/109/19/OUT.

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:

- C9_22_19_PL_111 Site Layout GF
- C9_22_19_PL_112 Site Layout Roofplan
- C9_22_19_PL_113 Site Sections
- C9_22_19_PL_114 Site Sections
- C9_22_19_PL_300A Plot 1 Plans and Elevations
- C9_22_19_PL_301 Plot 2/5/6/7/8 Plans and Elevations
- C9_22_19_PL_302 Plot 3 Plans and Elevations
- C9_22_19_PL_303 Plot 4 Plans and Elevations
- C9_22_19_PL_304 Plot 9-10 Plans and Elevations Rev A
- C9_22_19_PL_305 Plot 11/12 Plans and Elevations
- C9_22_19_PL_306 Plot 13-15 Plans and Elevations
- C9_22_19_PL_307 Plot 16-17 Plans and Elevations
- C9_22_19_PL_308 Plot 18-22 Plans
- C9_22_19_PL_309 Plot 18-22 Elevations
- C9_22_19_PL_310 Plot 23-26 Plans
- C9_22_19_PL_311 Plot 23-26 Elevations
- C9_22_19_PL_312 Plot 27-28 Plans and Elevations
- C9_22_19_PL_313 Plot 29-30 Plans and Elevations
- C9_22_19_PL_314 Plot 31-32/33-34 Plans and Elevations
- C9_22_19_PL_315 Plot 35-37/42-44 Plans and Elevations
- C9_22_19_PL_316 Plot 38-39 Plans and Elevations
- C9_22_19_PL_317 Plot 40-41 Plans and Elevations
- C9_22_19_PL_320 Car barns / Cycle Stores
- 500-02 Rev D Engineering Details Drained Areas & Exceedance Flow Routes
- 503-01 Rev E Engineering Details Longitudinal Sections
- 602-01 Rev H Engineering Details Drainage Layout
- DD598L01 Rev D Illustrative Landscape Strategy Plan
- DD598L03 Rev A Detailed Planting Plan 1 of 3
- DD598L04 Rev A Detailed Planting Plan 2 of 3
- DD598L05 Detailed Planting Plan 3 of 3
- 2261-4 Tree Protection Plan
- Micro Drainage Calculations for Surface Water Drainage and Site Investigation Results Ref KNC2212/MDC-A
- Surface Water Drainage Proposal Checklist
- Drainage Statement

- Manual for Managing Trees on Development Sites
- Installing Services in Root Protection Areas
- Arboricultural Impact Appraisal and Method Statement
- Transport Statement Ref DS/LI-ITB18131-003A
- Design and Access Statement Rev B (Parts 1 & 2)
- Ecology, Tree Protection Fencing, Site Preparation & Clearance and Habitat Management & Enhancement

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 impact appraisal and method statement, Barrell Tree Consultancy, ref. 22161-AA4-LF; Installing Services in Root Protection Areas, Barrell Tree Consultancy, ref. SGN 11; Manual for Managing Trees on Development Sites, Barrell Tree Consultancy; and Tree Protection Plan, ref. 2261-4.

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 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, ref. 2261-4.

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 local planning authority.

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 houses or flats shall be occupied until the approved cycle storage associated with them has been implemented. The cycle storage 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.

- 5 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.

- 6 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.

- 7 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.

- 8 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.

- 9 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.

- 10 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.

- 11 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.

- 12 INFORMATIVE: This permission does not in any way discharge condition 15 (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](https://www.arun.gov.uk/weekly-lists) and entering the application reference or directly by clicking on [this link](#).

BE/61/23/RES - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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