

REPORT UPDATE

Application No: BE/40/22/PL

Reason for the Update / Changes

The application was deferred at the last committee due to concerns from Councillors regarding private garden space in some of the plots and the limited contribution to affordable housing. A further comment is added regarding a condition update discussed by the officer in a verbal update.

AFFORDABLE HOUSING

Members are reminded of the content of the report above which explains how the Vacant Buildings Credit (VBC) and a Financial Viability Appraisal (FVA) have legitimately been applied in this case.

The VBC forms part of the NPPF to support the re-use of brownfield land. Where vacant buildings are being re-used or redeveloped, any affordable housing contribution can be reduced by a proportionate amount. This government incentive supports activity such as demolition and site remediation to prepare for re-development, without this the site would be unviable. Following application of VBC, the affordable requirement was reduced to 2.94 homes.

The intention was to deliver this as 2 x on-site homes and 0.94 as an off-site contribution. The 2 x on-site affordable homes were offered to Arun, as well as other local Housing Association's. No interest was received. With no offer to accommodate the on-site homes, the s106 would require £80,000 per home as an off-site contribution.

This sum for 2.94 homes would make the scheme unviable. The FVA was submitted and Arun's own advisors (Dixon Searle Partnership) concluded the development could justify a total off-site contribution of £55,490, with no on-site homes.

The above accords with planning policy and government advice.

Since the meeting the applicant has offered to increase the affordable housing contribution to a level above the policy requirement to the equivalent of a full affordable home.

The proposed amount for off-site affordable housing would now be £80,000 and this would be collected via the s106 agreement. The offer has been made on the deletion of the "late stage review" clause from the s106 agreement. This is inserted to test viability later in the development phase to see if more contributions can be achieved.

The developers are shortly commencing a site for 101 dwellings in Littlehampton. 30 affordable dwellings are being provided as part of that scheme (via s106) and a further 20 homes are being sold to a registered provider to utilise Homes England Grant funding. Whilst this is not a material consideration to this development it does demonstrate willingness by the developer to provide affordable housing where it is financially viable to do so.

GARDEN SIZE

The applicant has worked to the Arun Design Guide SPD, updated February 2024, page 128,. That details the suggested garden length of 10.5m. The site is an awkward irregular trapezoid shape, and with

constraints around the tributary easement it is not possible to achieve the garden length in all instances.

Members are reminded that page 128 states:-

'These standards are applicable in the majority of cases, but innovative approaches to more compact building layout may be supported by ADC, where appropriate.'

The original report concluded:-

"The table shows that in the cases where garden depth is less than the ADG aspiration there is sufficient total private area to provide the occupiers with sufficient amenity space. This is also true of the dwellings where garden depth exceeds the standards. Given the nature of this site the failure to comply with plot depths as sought in the ADG does not result in such harm to the amenity of the area or the amenities of resident such that the proposal should be refused."

CONDITION

At the meeting a verbal update was given regarding condition 22. The recommendation was to change the wording to include the phrase "..other than the demolition of the building.." This would ensure the building(which is subject to anti-social behaviour) could be demolished quickly. The amendment would still ensure drainage details are provided prior to construction of the buildings.

The amended wording is as follows:-

"Prior to the commencement of development (other than demolition), construction drawings of the surface water drainage network, associated sustainable drainage components and flow control mechanisms and a construction method statement shall be submitted and agreed in writing by the Local Planning Authority. The scheme shall then be constructed as per the agreed drawings, method statement, FRA by GTA Civils & Transport, 29th March 2022, Corrected First Issue and Drainage Layout by GTA Civils & Transport, 21/06/2023, revision P7 and remain in perpetuity for the lifetime of the development unless agreed in writing by the Local Planning Authority. No alteration to the agreed drainage scheme shall occur without prior written approval from the Local Authority.

Reason: To ensure that the development achieves a high standard of sustainability and to comply with NPPF and Policy W SP1, W DM2 and W DM3 in Arun Local Plan.

Officers Comment:

The increased contribution towards off-site affordable housing is welcomed.

It has not been possible to amend garden sizes. The ADG recommends flexibility and the officer view remains that the space offered for each is acceptable.

The amended wording of condition 22 still results in suitable controls for drainage of the site.

The recommendation remains as "approved conditionally subject to a s106 legal agreement" with the wording of condition 22 altered and the increased affordable housing contribution as above. The recommendation also would mean the removal of the "late stage review" from the terms of the s106.

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

PLANNING APPLICATION REPORT

REF NO:	BE/40/22/PL
LOCATION:	Former Bartons Infant School Romney Broadwalk Bersted PO22 9BH
PROPOSAL:	Demolition of former school building and erection of 20 No. new dwellings and associated car parking, cycle parking and landscaping. This site is in CIL Zone 4 (Zero Rated).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	<p>Permission is sought for the demolition of the former school and the erection of 20 dwellings and associated car parking, cycle parking and landscaping.</p> <p>The scheme includes one 3-bed detached bungalow, two 2-storey 3-bed detached dwellings, one 2-storey 4-bed detached dwelling, ten 2-storey 2-bed semi-detached dwellings and six 2-storey 3-bed semi-detached dwellings.</p> <p>There are 2 parking spaces allocated for every property and 2 for visitors. No garages are provided. Every dwelling would be provided with covered cycle stores for 2 bicycles, enclosed bin storage and air source heat pump (ASHP).</p> <p>There is an area of communal garden in the middle of the layout and a semi-natural area adjoining the rife. Dwellings have their own amenity space to the rear or side.</p>
SITE AREA	0.66 hectares.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	30 dwellings per hectares.
TOPOGRAPHY	Predominantly flat.
TREES	There are 25 trees, two groups of trees and three hedges on site. 16 trees require removal. The planting schedule specifies 32 semi-mature trees are to be planted.
BOUNDARY TREATMENT	Brick wall and gates to front. Other boundary treatment to gardens/former school field.
SITE CHARACTERISTICS	Former school with parking and outdoor space. Due to the time which the school has been empty the property has started to fall into a state of disrepair due to vandalism.
CHARACTER OF LOCALITY	Residential area with a mix of detached/semi-detached bungalows and two storey buildings. The rife runs to one side of the school.

The southern boundary faces rear gardens of bungalows on Van Gogh Place and to the west is Romney Broadwalk with bungalows on its western side and a 2-storey terrace of 4, linked at first-floor level with Lea House to the northwest of the site accessed from Barton Road. Immediately to the north are two pairs of semi-detached bungalows.

RELEVANT SITE HISTORY

BE/67/18/PL	Variation of condition 3 following approval of BE/49/17/PL to allow the continued use of Bartons County Infant School & retention of temporary buildings until 31st September 2019.	ApproveConditionally 24-08-18
BE/49/17/PL	Reuse of the former Bartons County Infant School & the erection of additional seven-class modular buildings on-site for a temporary period of one year	ApproveConditionally 15-06-17

The site history is entirely related to its former use.

REPRESENTATIONS

Bersted Parish Council: No objection.

2 letters of objection:

- Hoped the evergreen hedge and wall at the front of the site would remain intact.
- Concerned about impact of houses on surrounding roads increase in traffic.
- Concerned about impact on local doctors - already struggling to meet need.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted and to be addressed in the main report. The NHS requests a financial contribution towards Grove House surgery.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ECOLOGY: No objection subject to securing a) a proportionate financial contribution towards Arun SAMM; b) biodiversity mitigation and enhancement measures.

Pollution prevention mitigation methods in relation to the nearby stream should be detailed in a Construction Environmental Management Plan (CEMP): Biodiversity and secured by a condition. The site is adjacent to the Aldingbourne Rife and having habitat suitable for use by commuting and foraging bats, we recommend details relating to external artificial lighting is detailed in a wildlife sensitive lighting scheme and secured by a condition.

The mitigation measures identified in the Revised Preliminary Ecological Appraisal (Ecology & Habitat Management Ltd, February 2023) should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority species particularly bats, reptiles, Hedgehogs, and breeding birds.

The Biodiversity Net Gain Report (Ecology & Habitat Management Ltd, 20/07/2023) calculated a net gain. The document states the development achieves a net gain in habitat units on site. This is largely achieved by retention and enhancement of the scrub bordering the eastern edge of the site. The net gain score is assisted by the retention of several of the mature trees. The retention of these habitats will help ensure the recommendations set out in the PEA are met. The development will incorporate new tree planting across the garden areas and community green space (though these will be included within a vegetated garden habitat classification). The central green space will provide an area of wildflower grassland as well as public amenity space. It is recommended any habitat creation/ enhancements are detailed within a Landscape and Ecological Management Plan (LEMP) and secured by a condition of any consent.

ENVIRONMENTAL HEALTH: No objection subject to conditions e.g., EV parking, noise, and contamination.

PARKS AND GREENSPACES: No objection; advice given on mitigation and submitted landscape scheme.

NATIONAL HIGHWAYS: No objection. Proposal will not severely impact the safe and efficient operation of the strategic road network (SRN). There would be impact on the A27 west of Chichester and a contribution of £455.64 (indexed from 2016 quarter 1 prices) should be sought per dwelling towards the Whyke and Bognor Regis roundabouts on the A 27.

SPORT ENGLAND: No objection. The development does not fall in their remit.

WSCC HIGHWAYS (LHA) - Following submission of additional documents including Road Safety Audit, RSA response report, revised parking beat survey/parking level details and junction dimensions/drawing/tracking - does not consider that development would have an unacceptable adverse impact on highway safety or result in severe cumulative impacts in accordance with NPPF para 11. No objection subject to conditions.

WSCC Schools/Infrastructure: Require contribution to primary, secondary and 6th form education together with library, education, school transport and fire & rescue.

NHS - No objection subject to £29,830 contribution to Grove House.

SUSSEX POLICE: No objection.

WSCC LEAD LOCAL FLOOD AUTHORITY (LLFA): No objection subject to conditions (revised comment April 2024).

AFFORDABLE HOUSING: No objection subject to 30% affordable housing.

DRAINAGE ENGINEERS: No objection. The consultation is based on the site layout shown in the Drainage Layout 11653_1601_P7 and the Landscaping plans, including the Illustrative Landscape Masterplan 1444-HED-DR-02-001- Rev P05. It was requested that landscaping plans are approved. Whilst the applicant has supplied a drainage documentation, it does not meet our detailed design

requirements to avoid conditions being applied to the permission.

NATURAL ENGLAND: No objection subject to securing appropriate mitigation.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

- Due to "vacant buildings credit" the amount of affordable housing is reduced. This has further been reduced following the submission of a Financial Viability Assessment (FVA) which has been independently checked by an appropriate external consultant.

- Natural England raised no objection subject to mitigation (Pagham Harbour contribution). The contribution is secured through the s106 which ensures mitigation against recreational disturbance.

- Since the initial consultation with ADC drainage engineers the LLFA are now the responsible body for consultations on major sites. The conditions of the LLFA have been included in the recommendation, rather than those of the engineers.

POLICY CONTEXT

Designation applicable to site:

- Built up Area Boundary
- Pagham Harbour Access Management Zone B

DEVELOPMENT PLAN POLICIES

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

AHSP2	AH SP2 Affordable Housing
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
ENVDM2	ENV DM2 Pagham Harbour
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
HDM1	H DM1 Housing mix
QEDM4	QE DM4 Contaminated Land
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
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 ES8 Renewable energy

Bersted Neighbourhood Plan 2014 Policy HDQ1	Housing Site Allocations
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 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, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan and Made Neighbourhood Development Plans. The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The relevant policies of the Bersted Neighbourhood Development Plan (BNDP) have been taken in to account in this report.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal complies with relevant Development Plan policies in that the development by reason of its position and design would not have unacceptable adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have adverse impact on highways safety and natural environment.

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 no other material considerations to be weighed in the balance with the Development Plan and these are discussed in the conclusions section below.

CONCLUSIONS

PRINCIPLE

The site is in the built-up area boundary of the ALP and is allocated as a site under the made Bersted Neighbourhood Development Plan. Development of the site accords with paragraph 11 c) of the NPPF.

Within the Built-Up Area Boundary (BUAB), new housing is acceptable in principle in accordance with policy SD SP2 of the Arun Local Plan and will be permitted provided it is in accordance with other policies of the Local Plan. This is subject to a detailed consideration of the proposal as set out below.

Policy HDQ1 of the BNDP states permission will be granted for a minimum of 25 new homes in Bersted on land identified on the Proposals Map (page 42). One of the sites is Bartons School which is for a minimum of 20 homes, provided the development meets the requirements of policies set out in this plan and the Arun Local Plan.

The principle of new housing development within the BUAB defined by the Arun Local Plan is acceptable in accordance with Policy SD SP2 subject to a detailed assessment below.

CHARACTER & DESIGN

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

Policy ES1 of the BNDP expects new development to be of a high-quality design and should contribute to local character by creating a sense of place appropriate to its location.

The Arun Design Guide (ADG) in Part G deals with density and layout and requires densities to be appropriate to location, balancing the need for efficient use of land with a design that responds to the existing character. It suggests a density of 20-30 dwellings/hectares (dph) for detached and semi-detached houses in local service centres. The site density of 30.3dph is appropriate in this location.

Para 135 of the NPPF (2023) details the design requirements for new developments, including that developments should function well, are visually attractive and sympathetic to local character and history, have an appropriate mix of development including green and public space and create places that are safe, inclusive, and accessible.

The National Design Guide in criterion C1 requires developments to understand and relate well to the site, its local and wider context, including the existing built development, layout, form, and scale. Criterion I1 requires development to respond to existing local character and identity including the characteristics of existing built form and the elements of a place or local places that make it distinctive. Criterion B2 requires development to be of an appropriate building type and form, having regard to the height of buildings around them, the relationship with the street width, and the sense of enclosure that results.

The perimeter block layout provides well defined frontages with clear distinction between public and private spaces. The few houses along Romney Broadwalk, from which the site is accessed, have their

side elevation facing the road and two of the three houses facing Romney Broadwalk take this same approach. The bungalow at the site entrance reflects the character of the bungalow opposite and ensures an appropriate first impression of the site.

The dwellings on site are a mix of two, three and four bed houses in the form of a detached bungalow, 2-storey detached houses, pairs of semi-detached houses with two gable roofs, and pairs of semi-detached houses with pitched roof. There are 8 types of houses proposed.

The houses on the southern boundary, facing rear gardens of bungalows on Van Gogh Place, would have hipped roofs to the rear softening the impact of their massing on existing development together with appropriate separation distances as suggested in Part H.04 of the ADG.

Open porches with an angular zinc roof are a feature of the development. The use of brick in a raised pattern helps create a distinctive and contemporary built form. Roof materials would be slate or tiles. Windows would be of a colour to compliment the brick. The design of the dwellings is acceptable given the character of the locality.

The orientation of the buildings, scale (in terms of numbers and heights) and layout of the scheme demonstrate that the development would reflect of the overall character of the area whilst showing a contemporary approach which would bring a visual improvement of the area. The development would comply with the Arun Local Plan policies D SP1 and D DM1, policy ES1 of the BNDP and the Arun Design Guide, paragraph 135 of the NPPF and the National Design Guide.

TRAFFIC & ROAD SAFETY:

ALP policy T SP1 and BNDP policy HDQ8 are relevant although the latter has reduced weight due to the subsequent adoption of the Arun Parking Standards SPD.

The Arun Parking Standards Supplementary Planning Document is used to determine parking levels for the site. This site falls in Parking Behaviour Zone (PBZ) 2.

The parking requirement according to the Arun Parking Standards SPD is 45 including visitor spaces. The parking spaces are 2.5m by 5m. A space for disabled parking is provided within the central open space feature.

Each house has on-plot parking for 2 cars with an electric vehicle charging point provision and there are 2 parking spaces for visitors shown in the communal area. which is acceptable in this location. Every dwelling would be provided with covered cycle stores for 2 bicycles. No garages are provided.

A revised Parking Survey, as requested by WSCC Highways, demonstrates that on street parking is at a low level (the surrounding road network had only 2 visitors cars parked on it) and there are ample available spaces should overspill/visitor parking occur from this development. The site, a former school, would have attracted significant vehicle movements including parental "drop off" parking at the start and end of the school day which would have caused peaks of parking in the local area which will no longer take place.

WSCC Highways have state that, following the submission of additional information, that they have no objection to the proposal subject to conditions.

The scheme shows 42 spaces including 2 visitor spaces meaning a shortfall in allocation of 3 spaces. As stated above the application was subject to a Parking Survey following a request from WSCC. This demonstrated that there is sufficient on street parking in the locality that the slight under provision of

spaces does not result in a highway safety issue. Should some visitors to the site have to park in surrounding roads there would not be adverse impacts on the amenity of existing residents as there are sufficient on-street spaces available such that conflict would not arise. Given the circumstances the shortfall is acceptable given the location with access to sustainable travel options in combination with the provision of cycle parking. The proposal accords with ALP policies T SP1 & T DM1, BNDP policy HDQ8 and broadly accords with the Parking Standards SPD.

LANDSCAPE & TREES

Policy ENV DM3 of the Local Plan in section 17.3.1 underlines the importance of trees in urban settings where groups of trees can contribute significantly to the successful integration of new dwellings into the landscape. The retention of mature trees can contribute to amenity and create more attractive developments as well as retaining important wildlife habitats and should be considered at the design stage of all developments.

Policy ES6 of the BNDP states development proposals must be designed to retain wherever possible ancient trees or trees of good arboricultural and amenity value.

Paragraph 136 (NPPF 2023) highlights the important contribution trees make to the character and quality of urban environments and can help mitigate and adapt to climate change. Planning policies and decisions should ensure that appropriate measures are in place to secure the long-term maintenance of newly planted trees, and that existing trees are retained wherever possible.

There are 25 individual trees, 2 groups of trees and 3 hedges on the site. All hedgerow/shrub group would be removed apart from those in the buffer along Aldingbourne Rife and a small portion on the southern boundary of the site. Consideration of retaining trees and hedges within the site would be required and they would need to be protected during demolition and construction on the site. 16 existing trees require removal. The planting schedule specifies 32 semi-mature trees are to be planted.

The main area of new landscaping is within the courtyard. There will be further landscaping in private gardens. Whilst the provision of space on site is limited it provides a useable area for the residents of the scheme. The consultation response from the Parks and Greenspaces team suggests conditions are required to ensure an appropriate final scheme.

The development would be achievable without undue detriment to retained on-site trees, provided there is adequate site supervision at key stages by the project arboriculturist.

The development would comply with policies ENV DM3 and ENV DM4 of the Arun Local Plan, policy ES6 of the BNDP and NPPF's paragraph 131, subject to conditions addressing the above.

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.

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 2-bed 3-person 2-storey semis (30%)
4 x 2-bed 4-person 2-storey semis (20%)
6 x 3-bed 4-person 2-storey semis (30%)
2 x 2-bed 4-person 2-storey house (10%)
1 x 3-bed 5-person bungalow (5%)
1 x 4-bed 6-person 2-storey house (5%)

The range is broadly acceptable with reference to the advice in the SHMA and ALP policy H DM1.

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.

19 of the dwellings are M4(2) compliant and one is M4(1) compliant. 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 sets out a requirement for 7 homes to meet the M4(2) standard. 19 M4(2) dwellings are proposed which exceeds the requirement. This counts in the schemes favour.

RESIDENTIAL AMENITY

ALP policy D DM1 requires there will be minimal impact to users and occupiers of nearby property and land. ALP policy QE SP1 requires development contribute positively to the quality of the environment and ensure development does not have a significantly negative impact on residential amenity. The ADG sets out guidance on garden depths and 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.

The previous use as a school would have had some impact on the amenity of neighbours - at times it could generate noise and there would have been busy times when parents were bringing/collecting children from the premises. This would have resulted in disturbance and traffic to the residents.

The introduction of residential use would change the impact on amenities that occupiers would experience. The level of traffic visiting the site at peak times would be reduced. However, this would be replaced by impacts at other times of day e.g., nights and weekend as well as the introduction of other impacts such as overlooking.

The development would have similar characteristics to other properties in the locality with buildings being of single and two storey.

There would be a separation distance of a minimum of 14.25m between the rear elevations of the

proposed dwelling (plot 19) and rear elevations of No 1 Van Gogh Place (VGP) to the south-east of the site, plot 17 and the rear of No 9 Van Gogh Place 16.3m, plot 15 and rear of No13 VGP 17m and plot 13 and rear of No 17 VGP 18m. These are less than the requirements of the ADC Design Guide. It is important to note that the properties in Van Gogh Place are bungalows and some have been extended close to the boundaries. All gardens being provided along this boundary have garden depths exceeding the ADG guidance of 10.5m. Most garden depths along this boundary (plots 13-20) are proposed to be 11.2m instead of 10.5m. Plot 20 has a garden depth of 7.7m. Whilst this is below the standard no overlooking results as the property is a bungalow. Plots 13 to 20 also have had design amendments with a "hipped" gable roof on their southern elevation which will reduce the visual impact on Van Gogh Place. Plot 19 has been positioned to be opposite the gap between the existing bungalows opposite, to minimise impact and provide a view-through. There will be some overlooking of the rear gardens of a pair of semis at the end of Barton Road to the north-west from the first-floor habitable windows of dwellings on plots 05,06 and 07 within 12-13m. Front elevation of dwellings on plots 14 and 13 would be 10m from the flank wall of detached house on plot 11.

All interface distances are not precisely according to the ADC guidance. The scheme attempts to deal with this through by the position of the dwellings which limits direct overlooking between properties. The rear elevations of dwellings facing Van Gogh place generally feature one bedroom window and a very narrow bathroom window to limit overlooking. There would be some overlooking of some parts of private gardens of a pair of semis in the end of Barton Road, however, the existing buildings of the former school are even closer (hence the use of site was different) and given the existing mature trees and the proposed landscaping along the north-western and south-eastern boundaries of the site would provide screening of private garden areas.

Despite not complying fully with the guide there are allowances for more compact building layouts in schemes. The proposal is in general conformity with ALP policies D DM1 and QE SP1.

INTERNAL & EXTERNAL SPACE STANDARDS:

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) to determine if the buildings will provide a good standard of amenity for future residential occupiers.

The ADG sets out that private rear gardens should be at least 10.5m deep; and that front gardens should be 2m deep. The table below sets out the garden depths for each plot and the total garden area.

Plot	Beds	Type	Depth	Area
1	2 Bed	Semi	10.2m	62.7 sqm
2	2 Bed	Semi	13.0m	91.4 sqm
3	2 Bed	Semi	8.3m	57.9 sqm
4	2 Bed	Semi	8.6m	59.6 sqm
5	2 Bed	Semi	9.7m	69.0 sqm
6	2 Bed	Semi	9.7m	69.2 sqm
7	2 Bed	Semi	9.7m	68.7 sqm
8	2 Bed	Semi	9.8m	155.6 sqm
9	2 Bed	Semi	6.1m	155.6 sqm
10	2 Bed	Semi	7.0m	50.1 sqm
11	3 Bed	Detached	8.8m	94.7 sqm
12	4 Bed	Detached	11.6m	324 sqm
13	3 Bed	Semi	11.2m	171.9 sqm
14	3 Bed	Semi	11.2m	109 sqm
15	3 Bed	Semi	11.2m	109 sqm

16	3 Bed	Semi	11.2m	109 sqm
17	3 Bed	Semi	11.2m	109 sqm
18	3 Bed	Semi	11.2m	109 sqm
19	3 Bed	Detached	11.2m	124.9 sqm
20	3 Bed	Detached	7.7m	89.8 sqm

There are cases where the depth of the gardens does not meet the 10.5m standard and there are cases (more than 50% of the houses) where the standard is exceeded. Plots 9-11 have limited garden depth but back on to an area adjoining the river. There are no standards in the ADG for total garden sizes. The table shows that in the cases where garden depth is less than the ADG target there is sufficient total private area to provide the occupiers with sufficient amenity space. This is also true of the dwellings where garden depth exceeds the standards.

Given the nature of this site the failure to comply with plot depths as sought in the ADG does not result in such harm to the amenity of the area or the amenities of residents such that the proposal should be refused.

WASTE MANAGEMENT

Policy WM DM1 of the Arun Local Plan affirms "New residential development, including conversion of one dwelling into multiple units, will be permitted provided that:

- a. It is designed to ensure that kerbside collection is possible for municipal waste vehicles.
- b. Where appropriate, communal recycling bins and safe bin storage areas are available to residents of flats.

All units have a refuse store with space to house three 3 no. 240 L refuse bins on plot close to the rear kitchen door - this includes the 240L green wheelie bin with a blue lid provided by the council for recycling. The drag distance from store to kerb side is less than 25m (as shown on the layout). The refuse vehicle would be able to enter and exit the site in forward gear - reversing manoeuvres have been kept to a minimum and not more than 12m.

The application achieves sufficient provision for the storage of waste and kerbside collection is possible for all the dwellings. The development accords with policy WM DM1 of the ALP.

BIODIVERSITY

ALP policy ENV DM5 states development schemes shall seek to achieve a net gain in biodiversity and protect habitats on site.

The application is accompanied by the Revised Preliminary Ecological Appraisal (Ecology & Habitat Management Ltd, February 2023) and other documents relating to the impact of development on designated sites, protected & priority species and habitats and identification of proportionate mitigation. The implementation of the mandatory BNG requirements do not apply as the application was submitted before this proposal.

The council's Ecologist reviewed the submission and finds no concerns concluding that subject to conditions, the impacts will be minimised such that the proposal is acceptable. The updated Biodiversity Net Gain Report (Ecology & Habitat Management Ltd, 20/07/2023) calculated a net gain in both habitat (+11.88%) units. Hedgerow units can only be secured through off-site planting. However there is no mechanism to achieve this and as the proposal only needs to comply with policy ENV DM5, rather than the national metric, the increase in habitat units is sufficient.

The council's Ecologist has no objection subject to conditions to secure the mitigation measures and details of biodiversity enhancement. The proposal complies with policy ENV DM5 of the Arun Local Plan, and paragraphs 180d and 186d of the NPPF.

CLIMATE CHANGE

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

The application includes a sustainability statement and energy strategy which analyses the proposal versus these two policies. It discusses incorporation of various passive solar design measures, the reduction of the energy demand from dwellings as well as sitewide CO2 emissions using high performance, efficient mechanical and electrical (M&E) design. Initial designs have proposed the following measures:

- 100% low-energy lighting
- Natural ventilation with intermittent extract fans
- Energy efficient Air Source Heat Pump (ASHP) heating system
- Effective controls for space heating and zoning
- Insulation of pipes servicing the heating demand.
- Energy efficient appliance

Energy efficiency calculations, Block Compliance Work Sheets and Water Calculator are provided in appendices of the submitted statement. The proposal would broadly satisfy the requirements of ALP policies ECC SP2 and ECC SP1 however, it is necessary to impose a condition to secure the precise details of these. This will ensure compliance with the policies.

FLOODING/DRAINAGE:

ALP policy W DM3 states all development must identify opportunities to incorporate a range of Sustainable Urban Drainage Systems (SUDS) as appropriate to the size of development. The ADC Design Guide SPD (Section K.04) requires that development incorporate Sustainable Drainage Systems (SUDs) and flood risk mitigation.

The site is in Flood Zone 1 as identified by Environment Agency Mapping. Climate Change Data shows that most of the site, except the south-western corner and the access to the site would, be in Flood Zone 3a by 2111 (Future Flood Risk based on the SFRA produced by the Council for the 2018 Local Plan). Guidance states that development should be safe for the lifetime of the development. Flood Zone 3a is defined as land that has a 1% or greater annual exceedance probability of river flooding and/or a 0.5% chance or greater of coastal flooding. The SFRA includes fluvial and coastal modal simulating the 100 year (fluvial) and 200 year (coastal) undefended cases.

The applicants provided information via their drainage consultant. The latest EA fluvial modelling shows the site not being at risk of fluvial flooding in all undefended events for the 1 in 100 flood event plus an allowance of 105% for climate change. On that basis future flood risk for 2111 is coastal only. A detailed sea level risk assessment for the tidal level at the coastline in 2111 (undefended scenario for the 1:200 year event) is expected at 4.6m AOD. This is based on the same data used for the SFRA. The coast is protected by raised shingle beaches and a sea wall at the Aldingbourne Rife outfall. The flood risk is considered residual following overtopping or a breach of defences. Finished floor levels are set above

the estimated flood level.

The LLFA have been re-consulted on additional and substitute documents and do not object.

Whilst the applicant has supplied a drainage documentation, it does not meet the detailed design required by the LLFA to avoid conditions being applied to the permission. The proposal complies with ALP policy W DM3, BENDP policy ES2 and the Arun Design Guide.

AFFORDABLE HOUSING

Policy AH SP2 of the Arun Local Plan requires 30% affordable housing on sites with more than 11 dwellings.

A development of this nature would normally be required to provide 30% (6 dwellings) on site affordable housing. There is an existing building on site and this leads to an allowance for the consideration of vacant buildings credit (VBC) which can reduce the contributions required by a proportionate amount.

VBC was introduced by Government to provide an incentive for brownfield development on sites containing vacant buildings. Paragraph 65 of the NPPF (2023) states:

"To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount" (i.e. equivalent to the existing gross floorspace of the existing buildings).

The process of determining VBC is set out in Paragraph 027 (Reference ID: 23b-027-20190315) of the NPPG, which explains outlines:

"Where there is an overall increase in floorspace in the proposed development, the local planning authority should calculate the amount of affordable housing contributions required from the development as set out in their Local Plan. A 'credit' should then be applied which is the equivalent of the gross floorspace of any relevant vacant buildings being brought back into use or demolished as part of the scheme and deducted from the overall affordable housing contribution calculation. This will apply in calculating either the number of affordable housing units to be provided within the development or where an equivalent financial contribution is being provided."

The NPPG confirms that VBC applies where the existing building has not been abandoned. Paragraph 028 (Reference ID: 23b-028-20190315) identifies relevant circumstances that should be taken into account. Each of these factors is directed at ensuring that site promoters do not deliberately let a building it run to neglect in a bid to reduce affordable housing contributions.

It is accepted that this is clearly not the case for this site and the building has not been abandoned.

The NPPG sets out the formula for calculating VBC at Paragraph 027, namely the difference between proposed and existing floorspace / proposed floorspace) x policy requirement.

In this case, the floorspace of the existing school building measures 1,112sqm GEA, whilst the Proposed Development measures 2,153.5sqm GEA. Applying the formula, the following is relevant: $(2,153.5\text{sqm} - 1,112\text{sqm}) / 2153.5\text{sqm} * 30 = 14.7\%$

Based on the terms of the NPPF and NPPG, the affordable housing requirement of the proposed development when the VBC is applied is 14.7% (equating to 2.94 units).

Towards the end of the application process the applicants highlighted that a number of changes had taken place since the submission of the application, including the increase in building costs. A Financial Viability Assessment (FVA) was submitted. This was subject to review by an independent consultant (Dixon Searle) working for Arun District Council. The review was undertaken in accordance with published viability guidance suggested by the government.

This concluded that there was no justification for 0% affordable housing based on the financial data provided. The review concluded that a contribution level of £55,490 was necessary and deliverable towards the provision of affordable housing. This has been agreed with the applicant and appears in the s106. The s106 requires a "late stage review" to assess viability towards the end of the process to see if additional contributions can be sought if anything changes during the construction of the development such that there are additional resources available.

Although the proposals remain in conflict with Policy AH SP2 of the Arun Local Plan, it would be unreasonable to refuse the application on the grounds of a lack of an affordable housing contribution due to application of the VBC and the evidence provided in the FVA.

PAGHAM HARBOUR

The site is within 5km of Pagham Harbour. Each additional dwelling is required to make a payment of £950 towards mitigating recreational disturbance at the harbour. The s106 secures this and the comments of Natural England have been addressed.

INFRASTRUCTURE

Arun does not have an approved document which seeks to establish priority for the collection of financial contributions when a scheme is not able to contribute all the requirements it generates. In this case there is a shortfall of approximately £60,000 when all the requirements are listed and VBC and FVA are factored in.

The infrastructure requirements in this case relate to Affordable housing the s106 agreement, National Highways, WSCC (Education - Primary, Education - Secondary, Education - 6th Form, Libraries, Fire & Rescue and School Transport), NHS, Leisure and Pagham Harbour access management.

The FVA was undertaken without consideration of the requested contribution of £60,000 for sports infrastructure. As stated above the FVA concluded that the scheme was only viable if it provided £55,490 towards affordable housing rather than the 2.9 units required. Therefore if the £60,000 for sports was added to the s106 the affordable housing contribution would be lost.

In the absence of a document to establish what contributions take priority over each other it is recommended that no one contribution be lost in its entirety.

There is a shortfall of affordable housing in the district. It is therefore, in this case, not appropriate to reduce this. There is a "late stage review" to consider if viability has changed towards the end of the process and a greater contribution made.

The contributions to Pagham Harbour must be achieved at the stated value to ensure appropriate mitigation. Therefore this can not be reduced. The contribution to National Highways forms part of the recommendation from that organisation that they have no objection to the development subject to obtaining the contribution. They go on to state that if there is a departure from the recommendation then they require the matter to be referred to the Secretary of State for Transport. On that basis the reduction in payment of that contribution is not recommended.

Libraries and fire and rescue are relatively small amounts which would do little to contribute to the £60,000 shortfall.

The provision towards education is the largest amount at just under £300,000. The site is a former primary school where it is accepted that provision has been made elsewhere after it was closed. However in order to secure some provision for sports as requested by ADC a reduction in Primary school provision is recommended. The reduction to this contribution would be £30,000 to ensure half of the ADC sports provision could be sought. The ADC sports provision request forms a number of items - all as equally important as each other. As only 50% of the total can be funded each one will be reduced by that amount.

The contributions are therefore as follows:-

SPORTS and LEISURE (Total £30,000)

£1170 for grass football pitch improvements at Bersted Park plus £4,800 (total for 20 years maintenance cost) and also £3,093 towards ancillary facilities at the same site.

£400 for improvements to the grass playing surface of the rugby pitches at Hawthorn Road, Bognor Regis plus £1740 (total for 20 years maintenance cost) and also £900 for improvements to ancillary facilities at the same site.

£900 for cricket pitch improvements Bersted Park plus £3700 (total for 20 years maintenance cost) and also £1000 for improvements to ancillary facilities at the same site.

£897 towards surfacing 3G pitches at the West of Bersted strategic development site plus £600 (total for 20 years maintenance cost) and £300 for ancillary facilities at the same site.

£4900 towards swimming pool facilities at a new leisure centre in the west of the district.

£4400 towards sports hall provision at a new leisure centre in the west of the district.

£1200 towards health and fitness provision at a new leisure centre in the west of the district.

AFFORDABLE HOUSING: £55,490 including a possible additional sum following "late stage review".

PAGHAM HARBOUR: £19,000

EDUCATION: £52,034 (primary), £116,965 (secondary), £20,682 (sixth form), £71,471 secondary school transport provision.

FIRE & RESCUE: £733

LIBRARIES: £7,359

NATIONAL HIGHWAYS: £9,112.80

NHS: £29,830

SUMMARY

This proposal represents an appropriate redevelopment of an allocated site and does so without

compromising the visual amenity of the area or the amenities of existing neighbouring residential occupiers.

The proposal results in the loss of an existing school site. However, the site is allocated in the BNDP for housing development and accords with policy. Bartons School was moved to a new site on a strategic allocation (known as Site 6) which was allocated in the previous Local Plan. WSCC figures show no current capacity issues in the Bognor/Bersted area for primary education. Southfields Primary Academy recently reduced its intake from 90 to 60 (2023). The loss of the school site would not harm education provision in this area.

The development accords with the relevant development policies and as such is recommended for approval subject to the completion of the Section 106 Agreement and the following conditions and informatives. It is in accordance with paragraph 11(c) of the NPPF and provides a contribution towards the shortfall in housing land supply.

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 positive impact on the protected characteristics through the provision of a bungalow.

SECTION 106 DETAILS

The s106 will include National Highways, WSCC (Education - Primary, Education - Secondary, Education - 6th Form, Libraries, Fire & Rescue and School Transport), NHS, Pagham Harbour, Affordable Housing and Sport and Leisure.

CIL DETAILS

This application is not CIL liable as new dwellings over 11 in zone 4.

RECOMMENDATION

APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby approved shall be carried out in accordance with the following approved plans:

Dwg No 21080_02-07-010 - Rev P6, Building Heights
 Dwg No 21080_02-07-011 - Rev P6, Unit Types and Amenity Areas
 Dwg No 21080_02-07-021 - Rev P5, Refuse Storage and Collection
 Dwg No 21080_02-07-022 - Rev P6, Vehicle Parking
 Dwg No 21080_02-07-100 - Rev P6, Proposed Site Plan
 Dwg No 21080_02-07-101 - Rev P5, Proposed Ground Floor Plan
 Dwg No 21080_02-07-102 - Rev P5, Proposed First Floor Plan
 Dwg No 21080_02-07-105 - Rev P6, Proposed Roof Plan
 Dwg No 21080_02-07-205 - Rev P4, Proposed Elevation and Section - Proposed A-A
 Dwg No 21080_02-07-206 - Rev P5, Proposed Elevation and Section - Proposed B-B
 Dwg No 21080_02-07-207 - Rev P4, Proposed Elevation and Section - Proposed C-C
 Dwg No 21080_02-07-401 - Rev P4, 2B4P Semi-detached House
 Dwg No 21080_02-07-402 - Rev P4, 2B4P Semi-detached House
 Dwg No 21080_02-07-403 - Rev P4, 3B4P+ Detached House with Hipped Gable
 Dwg No 21080_02-07-400 - Rev P3, 2B3P Semi-detached House
 Dwg No 21080_02-07-404 - Rev P3, 3B4P+ Detached House
 Dwg No 21080_02-07-405 - Rev P4, 3B4P Semi-detached House
 Dwg No 21080_02-07-406 - Rev P3, 4B6P Detached House
 Dwg No 21080_02-07-407 - Rev P1, 3B5P Bungalow

Dwg No 1444-HED-DR-02-001- Rev P05, Illustrative Landscape Masterplan
 Dwg No 1444-HED-DR-02-002- Rev P06, Hard Landscape Plan
 Dwg No 1444-HED-DR-02-003- Rev P06, Soft Landscape Plan
 Dwg No 1444-HED-DR-02-004- Rev P06, Hard Landscape Palette
 Dwg No 1444-HED-DR-02-005- Rev P06, Soft Landscape Palette
 Dwg No 1444-HED-DR-02-006- Rev P06, Tree Retention and Removal Plan
 Dwg No 1444-HED-DR-02-007- Rev P06, Boundary and Fencing Plan
 Dwg No 1444-HED-DR-02-008- Rev P06, Tree Removal & Proposed Tree Plan
 Dwg No 1444-HED-DR-02-009 - Rev P05, Planning Schedule
 Dwg No 1444-HED-DR-02-010 - Rev P06, Landscape Management Plan
 Dwg No 1444-HED-DR-02-012 - Rev P06, Tree Pit Plan
 Dwg No 1444-HED-DR-02-014 - Rev P03, Open Space Area Plan

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.

- 3 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes and samples of such materials and finishes to be used for external walls and roofs of the 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 building of visual quality in accordance with policy D DM1 of the Arun Local Plan.

- 4 No construction/demolition activities shall take place, other than between 08:00 to 18:00 hours (Monday to Friday) and 08:00 to 13:00 hours (Saturday) with no works taking place on Sunday or Bank Holidays unless they are not audible outside of the application site.

In addition to these hours of working the Local Planning Authority may approve in writing a schedule of activities where it is necessary to conduct works outside the hours specified in this condition.

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

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

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area in accordance with policy T SP1 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to have the construction site set-up agreed prior to access by construction staff.

- 6 No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on the approved drawing reference 21080_02-07-100 rev P6.

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

- 7 No part of the development shall be first occupied until such time as the existing vehicular access that previously served the school has been closed off and the footway/verge reinstated in accordance with the details shown on the approved drawing reference 21080_02-07-100 rev P6.

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

- 8 No part of the development shall be first occupied until the vehicle parking and turning spaces

have been constructed in accordance with the approved drawing reference 21080_02-07-22 rev P6. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development in accordance with T DM1 of the Arun Local Plan.

- 9 No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan 21080_02-07-22 rev P6. These spaces shall thereafter be retained at all times for their designated purpose.

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

- 10 Prior to occupation of any of the approved dwellings, the applicant or developer shall provide the dwellings with electric vehicle charge points in accordance with the council's standards as set out in its Parking Standards SPD. This requires all dwellings with a garage or driveway to have EV charging points in 100% of parking spaces with electric ducting provided to all other spaces where appropriate to provide passive provision for these spaces to be upgraded in future. The individual charge points shall be in accordance with the technical requirements set out in Part S, section 6.2 of the Building Regulations 2010 (as amended). The electric vehicle charge points shall thereafter be retained and maintained in good working condition.

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

- 11 Prior to commencement (save for demolition) of the development hereby approved (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority:

1. A 'Preliminary Risk Assessment' which has identified: all previous (historical) uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; and potentially unacceptable risks arising from contamination at the site.

2. A 'Site Investigation Scheme', based on (1) above to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. Based on the 'Site Investigation Scheme' and the detailed risk assessment (2), an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A 'Verification Plan' providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these parts, (1) to (4) require the express written consent of the Local Planning Authority.

The scheme shall be implemented as approved above and, prior to occupation of any dwelling or part of the site (or such other date or stage in development as may be agreed in writing with

the Local Planning Authority), a Verification Report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of that remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved Verification Plan to demonstrate that the site remediation criteria have been met. The report shall also include a 'long-term monitoring and maintenance plan' for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the Verification Plan, and for the reporting of this in writing to the Local Planning Authority.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with Arun Local Plan policies QE SP1 and QE DM4. This is required to be a pre-commencement condition because these details have to be agreed and in place before any work commences.

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

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

- 13 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, written confirmation is required from the Arboricultural Expert representing the site owner(s), confirming that all protective fencing and ground protection has been inspected and found to be 'Fit for Purpose' as required under British Standard 5837:2012 and been erected and positioned exactly as shown on the Tree Protection Plan.

Reasons: To comply with BS5837:2012 and ensure the retention and maintenance of trees and vegetation which are an important feature of the area, in accordance with Policy D DM1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition as the protection and retention of trees goes to the heart of the planning permission.

- 14 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Revised Preliminary Ecological Appraisal (Ecology & Habitat Management Ltd, February 2023) as submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To enhance the environment for local wildlife and result in net biodiversity gain, in accordance with the relevant legislation and policy ENV DM5 of the Arun Local Plan. and allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as

amended and s40 of the NERC Act 2006 (Priority habitats & species).

- 15 Prior to any works above slab level (save for demolition), a Biodiversity Enhancement Strategy for protected and Priority species prepared by a suitably qualified ecologist shall be submitted to and approved in writing by the Local Planning Authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) Detailed designs or product descriptions to achieve stated objectives;
- c) Locations, orientations and heights of proposed enhancement measures by appropriate maps and plans (where relevant);
- d) Persons responsible for implementing the enhancement measures; and
- e) Details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter.

Reason: In accordance with Arun Local Plan policy ENV DM5 and the National Planning Policy Framework to enhance protected and Priority species & habitats and allow the Local Planning Authority to discharge its duties under the NPPF 2021 and s40 of the NERC Act 2006 (Priority habitats & species).

- 16 Prior to commencement (save for demolition) a Construction Environmental Management Plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements), this should include specific pollution prevention measures in relation to the nearby stream (Aldingbourne Rife).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In accordance with Arun Local Plan policy ENV SP1 and ENV DM1, the National Planning Policy Framework to conserve protected and priority species and allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

- 17 Prior to commencement (save for demolition) a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to commencement of the development . The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.

- c) Aims and objectives of management.
- d) A management plan for all onsite biodiversity net gain including 30 year objectives, management responsibilities, maintenance schedules.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) A monitoring plan including the submission of monitoring reports in years 2,5,10,15,20,25 and 30 from commencement of development, demonstrating how the BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed.

The LEMP shall include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: In accordance with Arun Local Plan policy ENV SP1 and ENV DM1, and the National Planning Policy Framework to enhance protected and Priority species & habitats and allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species.)

- 18 Prior to occupation a lighting design scheme for biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting plans, and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: To control the residential amenities of the local environment in accordance with Arun Local Plan policies QE SP1, QE DM2, D DM1 and ENV DM5 and to allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

- 19 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, written confirmation is required from the Arboricultural Expert representing the site owner(s), confirming that all protective fencing and ground protection has been inspected and found to be 'Fit for Purpose' as required under British Standard 5837:2012 in accordance with submitted Project No 9050 1.2 Rev A dated 24/03/22.

Reasons: To comply with BS5837:2012 and ensure the retention and maintenance of trees and vegetation which are an important feature of the area, in accordance with Policy D DM1 of

the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition as the protection and retention of trees goes to the heart of the planning permission.

- 20 The approved development shall achieve a minimum of 10% energy supply reduction from either the use of decentralised/renewable or low carbon energy sources (as described in the glossary at Annex 2 of the NPPF). Any physical features that are required as part of the works must be installed prior to the occupation of each dwelling/the building and shall be thereafter permanently maintained in good working condition.

Reason: In order to secure a reduction in on site energy use in accordance with Arun Local Plan policy ECC SP2 and the NPPF.

- 21 Prior to the occupation of any part of the development, the applicant or developer shall ensure that infrastructure is implemented to allow for the provision of the highest available headline speed of broadband provision to future occupants of all of the development from a site-wide network provided as part of the initial highway works and in the construction of frontage thresholds to buildings that abut the highway. Unless evidence is put forward and agreed in writing by the Local Planning Authority that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure, the development of the site will continue in accordance with the approved strategy.

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

- 22 Prior to the commencement of development, construction drawings of the surface water drainage network, associated sustainable drainage components and flow control mechanisms and a construction method statement shall be submitted and agreed in writing by the Local Planning Authority. The scheme shall then be constructed as per the agreed drawings, method statement, FRA by GTA Civils & Transport, 29th March 2022, Corrected First Issue and Drainage Layout by GTA Civils & Transport, 21/06/2023, revision P7 and remain in perpetuity for the lifetime of the development unless agreed in writing by the Local Planning Authority. No alteration to the agreed drainage scheme shall occur without prior written approval from the Local Authority.

Reason: To ensure that the development achieves a high standard of sustainability and to comply with NPPF and Policy W SP1, W DM2 and W DM3 in Arun Local Plan.

- 23 The development hereby approved shall not be first occupied until details of the maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity.

The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include:

- I. a timetable for its implementation,
- II. details of SuDS features and connecting drainage structures and maintenance requirement for each aspect
- III. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Policy W SP1, W DM2 and W DM3 in Arun Local Plan.

- 24 Upon completion of the surface water drainage system, including any SuDS features, and prior to the first occupation of the development; a survey and report from an independent surveyor shall be submitted to and approved in writing by the Local Planning Authority. The survey and report shall demonstrate that the surface water drainage system has been constructed in accordance with the details approved pursuant to condition 1. Where necessary, details of corrective works to be carried out along with a timetable for their completion, shall be included for approval in writing by the Local Planning Authority. Any corrective works required shall be carried out in accordance with the approved timetable and subsequently re-surveyed with the findings submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the flood risk is adequately addressed, not increased and users remain safe for the lifetime of the development in accordance with NPPF and Policy W SP1, W DM2 and W DM3 in Arun Local Plan.

- 25 All development shall be constructed in accordance with the submitted and approved Flood Risk Assessment (dated 29/03/2022), this includes all new residential dwellings to have a finished floor level raised a minimum of 150 mm above the surrounding proposed ground level unless otherwise first approved in writing by the Local Planning Authority.

Reason: To ensure the flood risk is adequately addressed and not increased in accordance with NPPF and Policy W SP1, W DM2 and W DM3 in Arun Local Plan.

- 26 The mitigation measures detailed in Table 9.1 off the Air Quality Assessment (March 2022) report produced by South Downs Environmental Consultants shall be implemented throughout the the demolition and construction phases. The development shall accord with the mitigation measures included in section 9.3 of the report.

Reason: In the interest of the amenities of residents in accordance with policy QE DM3 of the Arun Local Plan.

- 27 Any external plant shall be restricted such that the cumulative noise level from all plant running simultaneously shall not exceed the criteria in table 5.0 of the Sol Acoustics report (March 2022).

Reason: In the interest of the amenities of residents in accordance with policy QE DM1 of the Arun Local Plan.

- 28 Notwithstanding the provisions of Classes A, B, C and AA, 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) no extensions (including porches or dormer windows) to the dwelling houses shall be constructed or buildings shall be erected within the curtilage 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 Arun Local Plan policy D DM1.

- 29 INFORMATIVE: Under Section 23 of the Land Drainage Act 1991 Land Drainage Consent must be sought from the Lead Local Flood Authority (West Sussex County Council), or its agent (Arun District Council land.drainage@arun.gov.uk), prior to starting any works

(temporary or permanent) that affect the flow of water in an ordinary watercourse. Such works may include culverting, channel diversion, discharge of flows, connections, headwalls and the installation of trash screens. The development layout must take account of any existing watercourses (open or culverted) to ensure that future access for maintenance is not restricted. No development is permitted within 3m of the bank of an ordinary watercourse, or 3m of a culverted ordinary watercourse.

30 INFORMATIVE: If during construction works, it becomes apparent that implementation cannot be carried in accordance with previously agreed details any resubmission of the drainage design must be accompanied by an updated copy of the management manual.

31 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.

32 INFORMATIVE: This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0345 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.

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

34 INFORMATIVE: The owner(s) of any commercial property (warehouses, offices, etc.) built before 2000 are legally obliged to hold a copy of an asbestos register for each property in their portfolio. The Council need to be satisfied that any asbestos is either removed or suitably managed to minimise risk to human health. This is because there is no safe threshold for asbestos exposure. A copy of the asbestos register and any remedial strategy (where appropriate) must be provided in writing to the Local Planning Authority prior to any works, including demolition, commencing.

35 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to the following obligations:

AFFORDABLE HOUSING: £55,490 including a possible additional sum following "late stage review".

PAGHAM HARBOUR: £19,000

EDUCATION: £52,034 (primary), £116,965 (secondary), £20,682 (sixth form), £71, 471 secondary school transport provision.

FIRE & RESCUE: £733

LIBRARIES: £7,359

NATIONAL HIGHWAYS: £9,112.80

NHS: £29,830

SPORT and LEISURE £30,000

Monitoring fees are also payable.

- 36 INFORMATIVE: Erection of flow control structures or any culverting of an ordinary watercourse requires consent from the appropriate authority, which in this instance is Arun District Council on behalf of West Sussex County Council. It is advised to discuss proposals for any works at an early stage of proposals.
- 37 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.

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/40/22/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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