

Report following a request for further information, negotiations or consultation

REF NO: BE/134/22/OUT

LOCATION: Land West of Bersted

PROPOSAL: Outline application with all matters reserved except access for demolition of existing structures and mixed use development to provide residential dwellings (Use Class C3), care home/senior living accommodation (Use Classes C2/C3), employment floor space (Use Classes B2/B8/C1/E), retail and community floorspace (Use Classes E/F2/Sui Generis), a three-form entry primary school and spine road plus associated open space, landscaping, drainage and all other associated ancillary works. This application also lies within the parish of Pagham, may affect the setting of a listed building, affects a Public Right of Way, falls within strategic site SD3 and is subject to an Environmental Statement.

The application was considered at Committee on 29 January 2025. The Committee voted to defer the application for the following reasons:

- 1) To review the affordable housing mix to see if a mix come closer to the Council's interim housing policy could be secured; and
- 2) To produce a note on the highways for the junctions on Chalcraft Lane that had not been looked at to consider the likely impact of the development on these junctions.

#### 1. AFFORDABLE HOUSING MIX

The applicant has submitted a 'Viability Addendum - Affordable Housing Scenarios (24 February 2025), prepared by Turner Morum. The addendum has assessed the impact the variation of the affordable housing tenure mix has upon the overall affordable housing provision.

A 50/50 tenure split between affordable rent and shared ownership was proposed which secured a 10% provision of affordable units (a total of 217 affordable units). The deferral by the Committee was to review whether a policy compliant mix (67% affordable rent and 33% interim) could be secured.

The addendum report demonstrates that if a higher proportion of affordable rented dwellings are provided this results in the overall provision of affordable units being reduced. This is because the value generated by affordable rented dwellings is lower than that generated by shared ownership dwellings. Therefore, the addendum report identifies that a tenure split of 67% (affordable rent) and 33% (intermediate) would result in an affordable housing provision of 9.47% (204 dwellings). This would result in a reduction from the 220 units previously proposed.

The addendum report has been shared with the Council's Viability Consultant (Carter Jonas) who has advised that the conclusions of the review are robust and that the percentage splits tested reflect the development values that can be achieved from sales receipts of the various housing tenure types.

The Council's Affordable Housing Officer has also been consulted on the report and have advised that of the options assessed through the addendum report a higher provision of affordable rented dwellings would be preferable and as such the identified 9.47% (204 dwellings) at a policy compliant split of 67%/33% is supported.

Given the comments from the Council's Affordable Housing Officer and confirmation from Carter Jonas that the addendum report is accepted the officer recommendation in this case would be that an affordable housing provision of 9.47% (204) dwellings with a tenure mix of 67% affordable rent and 33% intermediate housing is adopted and forms the affordable housing approach for the Section 106 agreement.

## 2. HIGHWAYS

Following the deferral of the application, the applicant has prepared a Highways Technical Note (received 28 February 2025) which assesses the traffic impacts of the proposed development upon Chalcraft Lane in more detail.

The Transport Assessment Traffic Modelling originally submitted in support of the planning application did assess the impact of the proposed development on Chalcraft Lane, both during the construction and operational phases. The junctions previously tested on or close to Chalcraft Lane included:

- Chalcraft Lane/North Bersted junction.
- Chalcraft Lane/West Meads Drive.
- Chalcraft Lane/new site access.
- Chalcraft lane/Hewarts Lane.
- Lower Bognor Road new junction 13.
- B2166/Aldwick Fields.

The additional Highways Technical Note (28 February 2025) consists of a manual classified turning counts (CTCs) and queue length survey. These surveys were undertaken on Wednesday 12 February (during term time) between 07.00-10.00 and 16.00-19.00 to coincide with the morning and afternoon peak periods. They surveys were undertaken for the following junctions:

- Lower Bognor Road/Chalcraft Lane/B2166 (TA reference: Junction 9).
- Chalcraft Lane/West Meads Drive priority junction (TA reference: Junction 8).
- The Hollies.
- Chalcraft Lane/Stroud Green Drive.
- Ffairfach Close.
- Chalcraft Lane/Central Drive.
- Chalcraft Lane/Central Avenue.
- Tara Perry Close.
- Chalcraft Lane/Bedford Avenue.
- Sun Park.
- Ashurst Close.
- Chalcraft Lane/North Bersted Street/B2259 double-mini-roundabout (the Royal Oak junction) (TA reference: Junction 7).

In addition two Automatic Traffic Counts (ATCs) were installed along Chalcraft Lane for a period of one week at the same time the junction surveys were carried out. These were located at the southern end of Chalcraft Lane (approximately 190m south of West Meads Drive) and at the northern end of Chalcraft Lane (approximately 70m south of Central Drive).

Journey times along Chalcraft Lane have also been assessed for the survey day (12 February 2025) using mobile phone data. The journey time data demonstrates that during the AM and PM peak hours the journey times along Chalcraft Lane are consistent.

Junctions on Chalcraft Lane have been reviewed using three different traffic flow scenarios (2025 base, 2031 future year and 2031 future year with development Phases 1 and 2) with TEMPro data added to represent background traffic growth.

The base 2025 traffic flows have demonstrated that during each peak the turning traffic flows exiting the T-junctions along Chalcraft Lane would be classified as very low, with the exception of the junction with Central Drive. Whilst, the predominant movement from Central Drive onto Chalcraft Lane was left, therefore traffic exiting Central Drive is not significantly delayed.

The 2031 Future Year data which includes background traffic levels (including Local Plan growth and committed development) and development traffic flows predicts an increase on Chalcraft Lane of approximately 67 vehicles northbound and 66 vehicles southbound in the AM peak period and 77 vehicles northbound and 74 vehicles southbound in the PM peak period. These are considered low and as such the impact on Chalcraft Lane, and by extension the T-junctions onto Chalcraft Lane, would be small and temporary, resulting in a negligible impact on operational capacity and journey times.

West Sussex County Council were consulted on the scope of the additional work and have been consulted on the additional Highways Technical Note. They have advised that there is nothing within the note that causes any particular concerns with the information supplied demonstrating that the increased traffic flow on Chalcraft Lane from the initial phases of development will be insignificant when viewed against a scenario without the development. WSCC therefore confirmed that they remain satisfied that no severe impacts upon the operation or safety of the highway would result from this development. It was also confirmed that the conditions and obligations identified as necessary by WSCC highways remain applicable to this development.

The Technical Note (28 February 2025) has demonstrated that the impact of Phases 1 and 2 of the Proposed Development (prior to the delivery of the spine road) would result in minor impacts upon the operational capacity and journey times along Chalcraft Lane and connected junctions. Therefore, the recommendation, conditions and S106 requirements remain unchanged from that previously proposed by officers.

## HEADS OF TERMS

The heads of terms has been updated to include the proposed trigger points for the affordable housing review mechanism. The review mechanism trigger points are now proposed at 50 and 75% of completions.

## RECOMMENDATION

That Planning Committee delegate to the Group Head of Planning in consultation with the Chair and Vice Chair of Planning Committee authority to:

- a) Grant Planning permission subject to conditions and if necessary, make alterations to the wording of conditions which do not alter their purpose; and
- b) Subject to a Section 106 Agreement, the terms of which are substantially in accordance with those set out in this report and the Heads of Terms document with authority for any minor amendments to be authorised by the Group Head of Planning.

## REPORT UPDATE

Application No: BE/134/22/OUT

### Reason for the Update / Changes

Updates:

#### 1. WSCC Flood Risk Management Team

A letter from the Lead Local Flood Authority, dated 20th January 2025, confirmed that the Flood Risk Assessment and Sustainable Drainage Report update to confirm the climate change allowances had been considered were acceptable and in accordance with NPPF and development plan policy. No objection has been raised subject to conditions being attached to any consent. Five conditions and an informative are suggested as amendments to previously proposed conditions; the updates to Conditions 33-37 are outlined below.

#### 2.WSCC Education Comments - Holding Objection

WSCC as Education Authority have been actively engaged during the determination of this planning application, all matters concerning education provision both on the site and off-site have been agreed and are included within the provisions outlined in the s106 Heads of Terms.

However, as identified within the Officer's Report there remains disagreement between WSCC as education authority and the Local Planning Authority on the revision of the methodology. Officers are not asking the Planning Committee to approve the revision of the secondary school transport contribution as WSCC Education Authority have agreed the proposed £3,871,800 along with revised trigger points based on viability.

#### 3. Additional Information from Applicant

The applicant has confirmed that the Traffic Modelling did consider the impact of the proposed development on Chalcraft Lane, both during the construction and operational phases. The junctions tested on or close to Chalcraft Lane include:

- Chalcraft Lane/North Bersted junction
- Chalcraft Lane/West Meads Drive
- Chalcraft Lane/new site access
- Chalcraft lane/Hewarts Lane
- Lower Bognor Road new junction 13
- B2166/Aldwick Fields

The scope of our Transport Assessment, including the specific junctions that assessed in terms of capacity, was agreed with both West Sussex County Council (WSCC) Highways and National Highways. The scope of our Chalcraft Lane sensitivity testing was agreed with WSCC Highways and is within the scope of the original Transport Assessment.

The Transport Assessment scope was based on the predicted traffic flows through each junction - only those junctions where material volumes of proposed development traffic were predicted to pass through were assessed. This was in accordance with Transport Assessment best practice and again was agreed with WSCC Highways and National Highways.

The distribution and assignment of traffic across the road network was based on a combination of Office for National Statistics (ONS) Census origin-destination data and WSCC's strategic traffic model, in order to accurately represent existing and expected future route choices within the local area.

Traffic route choices are determined by journey times - even where queuing is taken into account, journey time data shows that the main routes and junctions, which have been considered as part of our assessment, form the quickest routes for through traffic.

The traffic modelling confirmed some disruption during early phases before the new link road opening at the end of year 4 of development, when up to 225 dwellings would access the site's southern end. No highways or planning impacts were identified that would have required the link road to be open before the suggested phasing.

Once the new link road is open, the traffic flows along Chalcraft Lane will be reduced, traffic calming measures are being proposed at this time to help manage traffic movements and create a safer and a more pedestrian/cycle-friendly street. The indicative scheme proposed by the applicant will be subject to consultation with local residents and WSCC Highways prior to any works being implemented.

#### 4. Planning Conditions and s106 Heads of Terms

WSCC as the Lead Local Flood Authority (LLFA) had requested amendments to the wording of conditions 33-37. However, the Council's Drainage Engineers had already made recommendations for their amendment which were included as part of the original recommendation. Therefore, the conditions remain as originally proposed by officers.

A condition has been added to limit the water usage to 110 litres per day for each dwelling (Condition 58).

Additional Informative to be included:

Informative:

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

Informative:

The applicant is advised that water butts are to be provided where possible to make a positive contribution to reduce surface water and meet sustainability objectives.

The proposed Conditions should be read alongside the s106 Heads of Terms, which include a range of contributions, including works to Chalcraft Lane to be implemented once the new link road is complete and open, the final scheme to be subject to consultation, a redirected bus service, health care centre and triggers for payments and implementation of the various mitigation measures.

Note: The changes to conditions are attached on the amended replacement recommendation sheet.

**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

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<b>SITE AND SURROUNDINGS</b>
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DESCRIPTION OF APPLICATION	The proposal seeks outline permission with 'Access' only to be determined at this stage. All other matters are 'Reserved' for later assessment. The development includes the provision of up to two care home/senior living facilities within close proximity of the proposed local centres. The local centres would include retail shops as well as potentially health care facilities and a tier 7 library facility. The application also proposes a new 3-form entry primary school to meet the needs of future occupiers of the development.
SITE AREA	144 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	Approximately 15 dwellings per hectare if 2,200 residential units are delivered.
TOPOGRAPHY	The site is mainly flat and comprises arable land which features hedge and tree lined boundaries. Internally the site is bisected by a rife which runs east to west and man-made drainage ditches with limited surviving 'natural' field boundaries. The Development Site lies on a gently sloping coastal plain between 10m and 5m AOD and is primarily flat.
TREES	Tree Preservation Order (TPO/BE/3/20) relates to the entire Strategic Site identified under Policy SD3 West Bersted. This affords protection to key trees and groups of trees that meet the requirements for protection. Many of the trees are located along field boundaries, ditches and rifes as well as boundaries with local roads.
BOUNDARY TREATMENT	The outer boundaries are defined by mature trees and indigenous hedgerows including ditches. In certain locations, ditches/boundaries are crossed by Public Footpaths. In the northeast corner there are a number of reservoirs and ponds (many of which are constructed features intended to support the irrigation and drainage of the agricultural land), and existing buildings (including a few structures at Park Farm

which date to the 19th century) which will be removed and/or demolished as part of the Proposed Development.

**SITE CHARACTERISTICS**

The site is currently in agricultural use. Access is currently achieved via a network of public footpaths that bisect the site. Vehicular access is achievable via Chalcraft Lane, Lower Bognor Road and the A259.

**CHARACTER OF LOCALITY**

The site is located to the west of Bersted to the north of Chalcraft Lane, on the northern outskirts of Bognor Regis.

Its staggered southern boundary is formed by Chalcraft Lane, Perryns Road and Chalcraft Lane Cemetery. The eastern boundary is staggered and is bound by the recently approved Nursery Fields site and its access road ('reserved' matters for 225 dwellings was approved under reference BE/1/23/RES); the residential development to the west of New Barn Lane (99 dwellings approved under references refs. BE/29/19/PL & BE/37/19/PL - Linden Homes); the Orchard Caravan Park and to the north east; and Loats Lane where it abuts the A259 at the junction the North Bersted Bypass / B2259 Chichester Road.

The majority of the northern and western boundaries are adjacent to Park Farm Cottages, the listed Morells Farm and its agricultural fields. Continuing south of Morells Farm, the boundary of the site steps westward and abuts the B2166 Lower Bognor Road and continues southward to the junction with Chalcraft Lane.

The wider area to the south and east of the site consists predominantly of residential development. Bognor Regis town centre and railway station are located approximately 2km to the southeast of the site.

The nearest statutory designation to the site is the Bognor Reef Site of Special Scientific Interest (SSSI) located approximately 2km to the south of the site. The Solent and Dorset Coast Special Protection Area (SPA) is also located approximately 2km to the south of the site. The Pagham Harbour Ramsar/SPA/SSSI is located approximately 5km to the southwest of the site.

<b>RELEVANT SITE HISTORY</b>
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BE/1/23/RES	Approval of reserved matters following BE/148/20/OUT for 225 No dwellings. This site affects a Public Right of Way and falls within Strategic Site SD3 CIL Zone 1 (Zero Rated).	ApproveConditionally 10-08-23
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BE/65/17/EIS	Scoping Opinion for mixed use development to include up to 2300 new homes, up to 10 ha of employment land, a 3 Form Entry primary school, a local centre & associated infrastructure	Scoping Issued 26-06-17
BE/148/20/OUT	Outline application with all matters, except for site access, reserved for the development of up to 225 residential units with associated infrastructure, open space and vehicular and pedestrian access. This application affects a Public Right of Way.	Refused 01-04-21  <b>Appeal: Allowed+Conditions 12-04-22</b>
BE/81/20/OUT	Outline application with all matters, except for access, reserved for the development of up to 20 residential dwellings, 2,240 sqm of commercial space (Use Class A1, B1(b) B1(c) and B8), landscaping, access, parking and associated infrastructure.	App Cond with S106 23-03-21
BE/77/16/OUT	Outline application with all matters reserved for up to 50 residential units, landscaping, amenity space, car & cycle parking, roads, service & drainage infrastructure & other associated works. Departure from the Development plan.	Called In by DCLG/SD 09-01-17  <b>Appeal: Allowed+Conditions 12-02-18</b>
BE/29/19/PL	Erection of 99 No. dwellings together with landscaping, open space & associated works. Access to be taken from New Barn Lane.	App Cond with S106 23-08-19
BE/37/19/PL	Erection of 99 No. dwellings together with landscaping, open space & associated works. Access to be taken from New Barn Lane (alternative scheme to BE/29/19/PL).	App Cond with S106 23-08-19
BE/113/17/RES	Approval of reserved matters following outline consent BE/18/17/PL for appearance, landscaping, layout & scale for a mix of up to 90No. residential units, associated open space, landscaping, access & car parking	ApproveConditionally 12-12-17
BE/142/15/OUT	Outline application with some matters reserved for a mix of up to 90 No. residential units, associated open space, landscaping, access & car parking. This application is a Departure from the Development Plan.	App Cond with S106 24-02-16



The Application was preceded by a Scoping Opinion submitted under reference BE/99/20/EIS which confirmed that the proposed development should be subject to Environmental Impact Assessment (EIA) to ensure that any likely significant effects can be identified, and mitigation and monitoring measures specified as required. This has also been confirmed in the West Bersted Scoping Opinion issued by Arun District Council dated 26 June 2017.

This Application was prepared following consultation with key stakeholders and the public as set out in the Statement of Community Involvement. The Framework Masterplan for the whole of the allocated site, prepared by Scott Brownrigg, was endorsed by ADC in September 2020. The Framework Masterplan has been prepared in accordance with and includes reference to the high level development principles for the application site which were agreed with Members prior to its preparation and submission.

Planning permission has previously been granted for development within the strategic allocation for a total of 295 dwellings. This consists of Nursery Fields to the south-east (BE148/20/OUT), Chalcraft Nursery which is next to Nursery Fields (BE/81/20/OUT) and New Barn Lane to the east of the allocation (BE/77/16/OUT). Although, it should be noted that BE/81/20/OUT has now expired and no reserved matters application was submitted for the 20 residential dwellings proposed.

## REPRESENTATIONS

BERSTED PARISH COUNCIL - OBJECTION (13.12.2022 and 04.08.2023)

Original objections still stand with additional objections put forward. Objections include:

Transport:

- Outdated TRICS information that does not show the true reflection/impact on the A259 and A27.
- National Highways require updated TRICS information.
- WSCC concerns including the configuration of new roundabouts on the A259; realignment of the Lower Bognor Road / Chalcraft Lane roundabout; cycle and footpaths proposed.
- Phasing is a concern with the Spine Road not being in place until 2036/37.
- The Spine Road should start from north to south, not the proposed phasing of phase 1 north, phase 2 south due to the pressure on surrounding roads.
- No mitigation given for construction traffic using the A259, Chalcraft Lane, Lower Bognor Road and will add to congestion.
- If approved, a haul road should be in place at the start of construction.
- Traffic calming Chicanes for Chalcraft Lane should only be put in once the Spine Road is completed.
- Fire & Rescue should be consulted as the chicanes could hamper access at Bognor Road station in West Meads Drive.

Wastewater:

- Southern Water need to provide further details on wastewater disposal. The Applicant stated in the Environmental Statement summary E8, 3 p29 that 'A strategic approach to managing foul flows remains under investigation but Southern Water remain confident a suitable solution will be provided within the timescale of the application.'

Flood Risk/Drainage:

- The Environmental Statement (ES) refers to the fact that construction will permanently change the Natural Drainage Regime increasing flood risk for residents in New Barn Lane, Loats Lane, Hewarts Lane and also the Aldingbourne Rife.

Loss of Greenfield:

- Since the Local Plan was agreed and with loss not capable of being mitigated for, Covid plus the Ukrainian War increases the importance of greenfield agricultural land.

- Amendments to the Regeneration Bill allows councils to build fewer homes, where meeting targets would significantly change local character suggests a growing realization of the importance of greenfield.

**Healthcare:**

- A Health Centre has not been included in this application.

**Education:**

- Does not include provision of a secondary school which will be needed if approved.

**Allotments/War memorial:**

- Monies should be set aside in the S106 agreement for the groundwork preparation of allotments and a war memorial site.

**ALDWICK PARISH COUNCIL - OBJECTION (08.09.2023)**

- Chalcraft Lane is an important east-west transport link locally between Pagham, Aldwick, Bersted and Bognor Regis - the traffic calming measures proposed are overbearing.

- There has been no traffic modelling on the impact on Pagham and Aldwick.

- A lack of any mitigation at the B2166 despite prior modelling demonstrating that this would adversely impact the Royal Oak junction.

**BOGNOR REGIS TOWN COUNCIL - OBJECTION (08.12.2022 and 09.08.2023)**

- Insufficient information in the form of an effective Transport Assessment with the response from National Highways raising concern.

- Negative impact that the development could have on the infrastructure of Bognor Regis with increased traffic movements on roads already known for their congestion.

- Applicant has failed to demonstrate whether the proposed development would have an acceptable impact on the safety, reliability and/or operational efficiency of the road network, contrary to paragraphs 110 and 113 of the National Planning Policy Framework 2021.

- Lacking in the provision of services such as dentists and doctors.

- Layout and density of buildings amounts to over-development.

- Overdevelopment concerns heightened due to the land being prone to flooding and reports of the current sewerage system being inadequate.

**PAGHAM PARISH COUNCIL - OBJECTION (25.01.2023, 09.08.2023, 30.10.2024 and 02.12.2024)**

**Traffic/Roads:**

- Exacerbating existing traffic capacity problems on local and strategic road networks.

- Network already exceeds capacity particularly at peak AM and PM hours.

- Roads are already in a poor state and susceptible to flooding.

- Rural roads are not suitable for more traffic and cannot accommodate construction vehicles.

- Both National Highways and WSCC Highways have concerns regarding mitigation measures for the site.

- The phasing does not include the spine road until 2036/37 yet no mitigation is proposed for local roads until it is in operation.

**Foul Water:**

- Concerned that the applicant is relying on Southern Water to fund a solution for the management of foul water.

- With a proposal of this size, there must be certainty before permission can be granted.

- Infrastructure must be in place before the site is occupied.

- Moving sewage with tankers cannot be an option.

Education provision:

- Not considered sustainable as there is no provision for secondary education in the application.
- WSCC will advise that The Regis School is at capacity, not able to expand to take the children that will live at this development.
- ADC have not yet secured planning permission for a school in the District.

Loss of Agricultural Land:

- Loss of Agricultural Land is a concern as it is important for the UK to retain its ability to grow its own food.
- The site is productive and has a better yield for farmers.

Community Hub:

- Policy H SP2a requires provision of a community hub with a new healthcare facility to provide care not only for this site but also sites in Pagham.
- During Advisory Group meetings, it has been indicated that a new healthcare facility will not be delivered.
- Permission should be refused until such time that healthcare facilities are guaranteed, and the developer also be made aware that it is not possible to expand the current Grove House facilities.

Ecology

- No mitigation for lost habitats has been provided for Brent Geese that over winter at the site.

Affordable Housing

- The reduction in affordable housing from 30 % to 10%, is only permissible in 'exceptional circumstances'. Rising build costs should not be considered 'exceptional circumstances', 10% affordable housing does not meet the requirements of policy SD3.

THIRD PARTIES: OBJECTIONS

126 Representations have been received including a representation from the Bognor Regis Regeneration Board (recorded twice).

The Objections raised are summarised as follows:

- Lack of public consultation and engagement, display of yellow notice did not occur or was late, Church Commissioners did not fully engage the local community.
- Allowing this application will destroy the very heart of the community.
- Contrary to the Integrated Regional Framework document.
- Overdevelopment / Excessive.
- Stop the delusion that infrastructure is not the LPAs responsibility.
- Lack of infrastructure / existing systems for sewerage discharge and surface water drainage.
- Pollution of coastline with sewerage discharge.
- Flooding concerns related to the site and B2166.
- Displacement and combination of the high-water table.
- Lack of/inadequate social infrastructure including primary and secondary schools, higher education, and health care (doctors, dentists) including struggling hospitals.
- A Health Centre is needed on site.
- No employment locally.
- Questionable traffic data with surveys carried out during Covid.
- Excessive traffic generation creating gridlock on roads and at junctions.
- Inadequate parking provision.

- Building roundabouts will not solve the traffic congestion issues unless all funding is upfront and completed before development is commenced. The Chichester Bypass needs to be built.
- Appears to rely on the goodwill of Stagecoach re-routing the 600 bus service but only when the spine road has been provided but will not happen unless they (Stagecoach) make money.
- Provision for safe pedestrian and cycle travel on roads lacking.
- Loss of public right of way.
- Loss of prime Grade A agricultural food producing land now more pressing with food shortages and should be protected as per Natural England comments.
- Reference is made to a letter from Felicity Buchan MP to Greg Smith MP regarding safeguarding agricultural food producing land making it harder for developers to build on.
- Environmental harm, carbon emissions, loss of flowers, wildlife including Brent Geese (despite ecology assessment indicating that no Brent Geese were seen over 4 days), Bats, birds of prey and other birds and mammals.
- Harm to visual amenities including view of the Downs.
- Harm to the countryside.
- Impact on listed building.
- Impact on health and well-being, quality of life of local people.
- Cost of properties and limited low-cost provision is meaningless.
- Housing design needs to be carefully considered.
- Housing targets are defective, and this allocation should be investigated as Government has withdrawn the need to comply with wholly unreasonable housing targets.
- Targets and the misguided presumption in favour of sustainable development need no longer blindly. Obediently and naively followed.
- Insufficient transport mitigation.
- In line with the UK Government's Net Zero (NCZ) policy and targets to reduce CO2 emissions by 78% by 2035. ADC should adopt BREEAM data.

**COMMENTS ON REPRESENTATIONS RECEIVED:**

The application is submitted in outline with all 'matters' Reserved apart from 'Access'. The matters raised in the representations will be reviewed in the topic areas below but in summary.

**LOSS OF GREENFIELD / AGRICULTURAL LAND:**

The site forms part of a Strategic Allocation under Policies SO DM1 and H SP2 of the adopted Arun Local Plan, and now falls within the adopted Development Boundary. The loss of greenfield land has been fully considered under the Local Plan process and the allocation of this strategic site with Policy SO DM1 providing exemptions for strategic sites.

**TRANSPORT:**

The highways impacts and safety considerations have been reviewed by WSCC Highways and National Highways, following clarifications on modelling data and amendments to the design of the site accesses no objections on highways technical grounds remain. Mitigation measures on and off site will be provided to ensure the impacts from additional traffic generated in the site are acceptable and measures to promote more sustainable modes of transit are provided.

In terms of the delivery of the Spine Road WSCC in their consultation response of 17 October 2023 have requested a condition to secure details of the timetable for delivery of the Spine Road. This is included as Condition 20 in the recommendation and will ensure that the Spine Road is delivered so as to avoid any unacceptable impacts upon safety or the operational capacity of the highways network.

**OVERDEVELOPMENT:**

The quantum of development has been set out in the Strategic Allocation under Policy H SP2a (SD3).

The plans are illustrative only and any approval of this application will not authorise the submitted layout, appearance, scale or density.

**DESIGN/LAYOUT:**

The Local Planning Authority (LPA) will retain full control of the detailed scheme through a reserved matters application at which point it will be appropriate to consider the detailed matters including layout, scale, design and landscaping. The illustrative Masterplan submitted for the site allocation is for outline purposes only and provides an impression as to how the site could be developed when interpreting the key principles and guidance contained in Strategic Allocation Policy H SP2 and the West of Bersted (WEB) Framework Masterplan endorsed by the Council in September 2020.

**DRAINAGE**

The Flood Risk Assessment and Drainage Strategy submitted as part of the application have been reviewed by the Environment Agency, Southern Water, WSCC Lead Local Flood Authority (LLFA) and ADC Drainage team, following several points of clarification no objection has been raised. A range of SuDS features will be implemented to ensure run-off rates are reduced taking into account climate change allowances.

**ECOLOGY**

The Strategic Site Allocation SD3 was the subject of a Scoping Opinion (BE/99/20/EIS prior to the formal lodging of applications including this site. At that stage, the Applicant was advised of the content and extent of an Environmental Statement which included full ecological surveys including Phase One Habitat Surveys and subsequent Protected Species Surveys. Full winter bird surveys were identified to be covered. Chapter I, Volume 1 of the Environmental Statement initially submitted provided the results of four wintering birds surveys including water birds. The formal Ecology Consultation responses considered the level of information to be acceptable and accepted the survey methods in respect of wintering birds. Brent Geese were not referred to specifically. Mitigation is recommended through a Farmland Bird Mitigation Strategy. ADC Ecology's consultation response indicated that Brent Geese were not present on site during any of the wintering bird surveys.

The proposed new open space on the site will account for approximately 40% of the site area, landscape features on the site including trees and hedgerows will be retained where possible, Biodiversity Net Gain (BNG) (using the updated matrix) of 10%+ will be achieved on site and will include compensatory planting where required.

**CONSULTATIONS****CONSULTATION RESPONSES RECEIVED:****ADC ARCHAEOLOGY - NO OBJECTION**

- Agree with the conclusions of the Archaeology and Cultural Heritage chapter of the Environmental Statement including the combination of preservation in-situ and by record.
- Known areas of archaeological interest to be possibly retained within public open space with a management plan provided for maintenance, mitigation of groundworks or other potential harmful effects and to sustainable public interpretation. This needs to be agreed in advance of development and secured via a suitable planning condition.
- Where the significance of archaeological interest that cannot be preserved in situ, it should be recorded following the appropriate methodology as set out in Chapter 6 of the ES and preserved accordingly.
- The details of the investigations should be specified in a written scheme of investigation provided and agreed in advance of development and secured via a suitably worded condition.

ADC CONSERVATION OFFICER - COMMENTS

- No harm would arise to the rural setting of Lagnersh Farmhouse and Neals Farmhouse, and consequently, there is no harm to the overall significance of these heritage assets.
- The development would alter the current rural setting of Morells Farmhouse, changing the character of the landscape from rural to one which is distinctly urban.
- Less than substantial harm would arise to setting of Morells Farmhouse in accordance with paragraph 202 of the NPPF (2021) at the lower end of the scale.
- The application should be determined in accordance with the relevant policies within the Development Plan and account should be taken of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

ADC DRAINAGE ENGINEER - NO OBJECTION

- If approved do not list the Flood Risk Assessment (FRA) or any of its appendices as an approved plan as the FRA and Drainage Strategy (DS) do not meet our design requirements.
- Standard conditions should be applied to ensure that the development is adequately drained and does not increase flood risk elsewhere and may need to be adapted to allow for the phasing of the proposed development.
- More assessments will be required as part of the Reserved Matters applications when the detailed design of each phase is understood.

ADC ECOLOGY - NO OBJECTION

No further comments provided to those issue on 16 February 2023 when no objection was raised subject to:

- a) a proportionate financial contribution towards Arun SAMM; and
- b) biodiversity mitigation and enhancement measures.

Sufficient survey work was carried out but an updated ecological assessment and updated protected species surveys will need to accompany any reserved matters application. Conditions requiring further surveys including water voles, badgers, lighting controls to protect bats, habitats and wildlife sensitive lighting, mitigation measures during construction are recommended.

Birds

Brent Geese were not present on site during any of the wintering bird surveys. The survey recorded Skylark territories on site with development impacting on only a small number. A Farmland Bird Mitigation Strategy is required to ensure that impacts upon nesting Priority farmland birds, particularly Skylark are mitigated and compensated.

In addition, mitigation measures identified in the ES-Appendices 11, 12 and 13 should be secured by a condition and implemented in full.

ADC ENVIRONMENTAL HEALTH - NO OBJECTION

No objection is raised subject to the following matters being considered:

- Air Quality Assessment: Methodology, findings and calculations are found to be reliable. Recommends that any future permission granted is in accordance with the Air Quality Consultants report, to include the built in emission mitigation measures detailed in section MS.15 of 'Air Quality Assessment: Land West of Bersted, Bogner Regis' (dated July 2022) .
- Construction Dust Mitigation: The mitigation measures detailed in section M6.1 are included in site specific dust management plans for each construction phase of the development.
- Electric Vehicle Charging Points: Condition to be imposed to secure the submission of a scheme for the provision of EVC points to serve the development prior to the occupation of any dwelling.

ADC HOUSING ENABLING - NO OBJECTION / COMMENTS

The requirement is for 30% affordable housing.

Of the Affordable Housing, the following are to be secured including through a S106 Planning Obligation:

- 30% Affordable Housing across the site, subject to Financial Viability Appraisal reviews.
- Arun's Interim Affordable Housing Policy sets a requirement for 67% affordable rented dwellings; 25% First Homes and 8% other intermediate ownership providing a range of sizes and accommodation.
- Affordable rented accommodation should be set no higher than 90% of Local Housing Allowance levels.
- Ensure sufficient dwellings are accessible for those on the Council's Housing Register a minimum of 50% of the rented units area set at rent levels of no higher than 65% of open market value.

ADC LEISURE AND GREENSPACE: NO OBJECTION

Sports Pitch Provision

- Development would generate a need for 4 pitches which should provide for Adult football/ruby; Youth football; Cricket and a 3G pitch.
- The infrastructure delivery plan (IDP) states that the West Bersted development should include a 3G pitch, 2 grass pitches and facilities, and a community sports hub building. A number of 'half' pitches are shown in the calculations which means that after the provision of whole pitches unmet demand will remain. This can in part be met by the 3G pitch which is able to support a more intensive programme of matches.
- The 3G pitch should be located in close proximity to the sports hub building.

Leisure Provision

The Sports Hub Building facility should include:

- Club/community room.
- Sports hall.
- Fitness space.
- Changing rooms x4.
- Accessible changing room.
- Kitchen, servery and store.
- Cafe.
- Activity rooms / Workspaces.
- Toilets.
- Plant room.

The increased population will also create the need for additional swimming pool lanes, to be accommodated in a new leisure centre in the west of the district.

Public Open Space and Play Area Provision

- Local Areas of Play (LAP) - A LAP must measure a minimum of 100m<sup>2</sup> with proposals for appropriately located LAPs to be provided for review. The number of LAPs required is to be confirmed in reserved matters applications.
- Local Equipped Areas of Play (LEAP) - Three LEAPS being required. Proposals for appropriately located LEAPs to be provided for review, with one to be an enhanced LEAP in north of site.
- Neighbourhood Equipped Area of Play (NEAP) - Three NEAPs are required to for this development as follows:

South (associated with community sports hub):

- Large high-quality destination, inclusive play area.
- Skate Park.

Centre:

- Pump track.
- Fitness trail.

North:

- MUSA (multi-use sports area).

Details of contributions toward provision, maintenance sums and land has been provided and is included in Heads of Terms to be included in the S106 Planning Legal Agreement.

#### ADC TREE OFFICER - COMMENTS

Tree Preservation Order confirmed dated 17 June 2021. A Tree Preservation Order TPO/BE/3/20) covers the Strategic Site and includes trees predominantly along field boundaries and ditches, the eastern boundary with Park Farm, south of Morells Farm adjacent to the Lower Bognor Road; the boundary with the Nursery Fields site and along certain public footpaths as well as the A259 to the north-east.

A total of 42 trees including Oaks, Sycamores, Field Maple, and Ash Trees are protected as well as two Groups - G7 including Oak Trees at Chalcraft Nurseries site; and G26 - Oak and Field Maples at Yeomans Honda, Bersted.

#### CHICHESTER DISTRICT COUNCIL - NO OBJECTION

Acknowledged that this is an allocated site which represents a commitment in principle in the development plan. No Objection provided West Sussex County Council and National Highways are satisfied that the associated Traffic Assessment is correct, and that the proposal will not have adverse effects on the junctions of the A27 or compromise the capacity of the A259 or A27 at Chichester.

#### ENVIRONMENT AGENCY - NO OBJECTION

- Conditions and informatives suggested.

#### HEALTH AND SAFETY EXECUTIVE - NO OBJECTION

- Conditions/informative suggested.

#### Scotia Gas Network - NO OBJECTION

- Conditions/informative suggested.

#### NATURAL ENGLAND - STANDING ADVICE

- No comment on details submitted at this stage.

#### NATIONAL HIGHWAYS - NO OBJECTION

No Objection subject to the imposition of conditions.

#### Annexe A

The additional technical material submitted addressed the outstanding matters in relation to assessment of the development impacts.

#### Employment Trip Rates and Trip Generation

Recommended that the use of the flexible commercial space, new use class E, is restricted to certain sub-types via planning condition.

#### A27 / A259 / Vinnetrow Road (Bognor Road Roundabout)

Appendix B of the technical note dated 31 May 2023 presents the results of additional modelling assessment of the Bognor Road roundabout, which has been undertaken using a model of the Bognor



Road roundabout based on the 2017 Enterprise Bognor Regis (EBR) improvement scheme prepared for this purpose.

It is concluded that the impacts of the Bersted application proposals at this junction can appropriately be addressed via the implementation of the proposed EBR mitigation scheme (drawing reference 103800\_0002). A planning condition is recommended for the EBR scheme or any alternative scheme, subject to appropriate technical approvals and agreement being reached with National Highways (NH).

#### A27 / 82145 Whyke Roundabout

Appendix B of the technical note dated 31 May 2023 presents the requested drawings and analysis of the queue lengths which are associated with the "with development" model results for the A27 / B2145 Whyke Roundabout. The supplied drawings demonstrate that the extended queues in this location will not interfere with any adjacent access, no objection subject to condition and legal agreement.

#### NATIONAL PLANNING CASEWORK UNIT - NO COMMENTS

- No comments on EIA.

#### NHS SUSSEX INTEGRATED CARE BOARD:

Email correspondence confirmed on site accommodation within the southern local centre preferred with parking spaces provided by the developer to a standard that is fit for immediate occupation by GP practice, specification to be agreed as part of the RM application - minimum floor area and consulting rooms to be set out in S106. Flexibility in the Legal Agreement sought for an either-or scenario where money towards expansion of an existing GP also provided and if required expansion of facility on site subject to NHS funding.

#### SPORT ENGLAND: SUPPORT (03.01.2023 & 31.07.2023)

- The new development should contribute towards meeting the demand that they generate through the provision of on-site facilities and/or providing additional capacity off-site.
- Additional need will be secured through a S106 legal obligation.
- Sport England's Sports Facilities Calculator (SFC) can help to provide an indication of the likely demand that will be generated by a development for certain facility types, and that the Council's own Sports and Open Space Developer Contributions Toolkit SPD adopted February 2020 uses the SFC as the basis for assessing the contributions.
- The proposal includes the provision of a community sports hub building in phase 7 that may possibly be able to accommodate some of this demand, subject to details of facilities and design.
- The development will need to contribute towards the provision of more specialised facilities off site including swim lanes.
- The use of Active Design in the Design and Access Statement in working up the detailed proposals as part of the RM application is supported.

#### STAGECOACH - COMMENTS

A new bus route as well as changing the routing of the 600 service to be given more consideration. Legal Agreement to provide a sum of £1400 per dwelling for a new or amended bus service on the site.

Service to grow throughout the build period to culminate in a 20-minute frequency between the development and both Bognor Regis and Chichester.

High quality bus stops and waiting areas must also form a part of the package to make bus services more attractive to a wider audience on and adjacent to the application site.

#### SOUTH DOWNS NATIONAL PARK - NO COMMENTS

Due to the location of the site, distance from the National Park boundary, and intervening development

(including Chichester) the SDNPA has no comments to make.

#### SOUTHERN WATER

- No foul sewerage from the site shall be discharged into the public system until offsite drainage works to provide sufficient capacity within the foul network to cope with additional sewerage flows are complete.
- The network reinforcement that is deemed necessary to mitigate this will be provided by Southern Water who will liaise with the developer in order to review if the delivery of network reinforcement aligns with the proposed occupation of the development as it will take time to design and deliver.
- A condition is recommended regarding phased occupation of the development.

#### SUSSEX POLICE - NO OBJECTION

- Informative suggested to advise on [www.securedbydesign.com](http://www.securedbydesign.com) where the Secured by Design (SBD) Homes 2019 Version 2 document, the Secured by Design (SBD) Commercial Development 2015 Version 2 document and the SBD New Schools 2014 Document.
- This development will place permanent, on-going demands on Sussex Police which cannot be fully shouldered by direct taxation. Like many other public services, policing is not fully funded via public taxation. Contributions are requested to be included in the S106 for staffing, premises and vehicles.

#### WSCC EDUCATION - HOLDING OBJECTION

- A breakdown of schools funding is proposed to accommodate the increased child yield arising from the development. - A new 3 form entry primary school with SEND and nursery school provision is proposed on the site, this is considered acceptable to WSCC and triggers for staged payments and housing numbers have been provided.
- The County Council as Local Education Authority, objects to the planning application unless transport costs to mitigate the additional costs to an alternative secondary school is provided. A cost per pupil has been provided by WSCC to be included in the S106 Agreement.

#### WSCC HIGHWAYS - NO OBJECTION

- Based on the information submitted, the proposals comply with the respective transport related requirements of the Local Plan Site Allocation Policy and the National Planning Policy Framework. Subject to appropriate conditions and S106 obligations to secure the associated highway works and mitigation, it's not considered that this proposal would result in any unacceptable safety or otherwise severe highway impacts.
- Comments provided on S106 Heads of Terms and impact on Phase 1 and 2 of the development on Chalcraft Lane provided.

#### WSCC HIGHWAYS PROW - COMMENTS

- Footpath (FP)134 upgrade of this Footpath to a 3m Bridleway built to PRow specification within the site and the creation of a Pegasus crossing where it crosses over the spine road is supported. A S106 contribution would be required for upgrading FP134 west of the site boundary.
- Footpath (FP)135 - Should be upgraded to PRow Bridleway specification. There is a need to ensure continuity for bridleway users heading south off of PRow FP134 is secured in perpetuity and also that the surface will be maintained to an acceptable standard. A connection is required between the Wellness Trail and FP135 at their southernmost points.
- Footpath (FP)136 will be upgraded to a 2m wide cycle - footpath through The Nursery Fields development and this proposal should be consistent.
- Footpath (FP)137 falls outside of the site boundary but parallel to the Wellness Trail. This part of the Wellness Trail is to be legally dedicated as a PRow. There should be a connection between the Wellness Trail and FP137 at their southern most points.

#### WEST SUSSEX FIRE & RESCUE SERVICE - COMMENTS

A planning condition for additional fire hydrant(s) for the proposed development is recommended.

#### WSCC LEAD LOCAL FLOOD AUTHORITY - NO OBJECTION

Satisfied that the applicant has sufficiently addressed our concerns raised in the response dated 5 February 2023 and the details are now in accordance with NPPF and local planning policy subject to conditions relating to:

- Submission of a scheme for the disposal of surface water by a means of sustainable drainage system as part of the Reserved Matters in accordance with the approved drainage strategy, referencing the Flood Risk Assessment and drainage Strategy dated March 2023 rev S2-P05 to include specific information/details.
- Prior to the commencement of each phase, construction drawings of the surface water drainage network, associated sustainable drainage components and flow control mechanisms shall then be constructed in accordance with the approved drawings, method statement and micro drainage calculations.
- Details and method statement of measures indicating how additional surface water run-off from the site will be avoided during the construction works for each phase.
- Prior to first use of each phase of the development a detailed verification report, (appended with substantiating evidence demonstrating the approved construction details and specifications have been implemented in accordance with the surface water drainage scheme), to be submitted to and approved.
- Details of the long-term maintenance arrangements for the surface water drainage system (including all SuDS features) to be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any building.

#### WSCC MINERALS & WASTE - NO OBJECTION

Existing and allocated waste management facilities/sites must be protected from inappropriate neighbouring development that could prejudice their efficient operation. The ES Addendum submission confirms that adequate safeguards in terms of adjoining land uses and landscape buffers will be in place to ensure compatibility with the waste facility operations.

The applicant has provided a Waste Infrastructure Statement to demonstrate that the proposed development would not prejudice the Elbridge Farm Recycling Facility.

#### COMMENTS ON CONSULTATION RESPONSES:

All comments noted and discussed below.

<b>POLICY CONTEXT</b>
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Designation applicable to site:

- Strategic Housing Allocation - West of Bersted (SD3) Built-Up Area Boundary Bersted Neighbourhood Plan.
- Grade 2 (very good quality) agricultural land with subgrade 3a 'good quality land'.
- Morells Farmhouse (Grade II listed) to north west of site separated by Morells farmland.
- Archaeological Notification Area.
- Tree Protection Orders (TPOs).
- Pagham Harbour Zone B.
- Within the Built Up Area Boundary.
- Within 5km of Pagham Harbour Special Protection Area/SSSI; Within 2km of Bognor Reef SSSI.
- CIL Zone 1 (Zero Rated).

#### 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
ENVSP1	ENV SP1 Natural Environment
ENVDM1	ENV DM1 Designated Sites of Biodiversity or geographical imp
GISP1	GI SP1 Green Infrastructure and Development
HDM1	H DM1 Housing mix
HDM2	H DM2 Independent living and care homes
HERDM1	HER DM1 Listed Buildings
HERSP1	HER SP1 The Historic Environment
HSP1	HSP1 Housing allocation the housing requirement
HSP2	H SP2 Strategic Site Allocations
HSP2A	HSP2a Greater Bognor Regis Urban Area
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
OSRSP1	OSR SP1 Allotments
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
SDSP1A	SD SP1a Strategic Approach
SDSP2	SD SP2 Built-up Area Boundary
SKILLSSP1	SKILLS SP1 Employment and Skills
1	
SODM1	SO DM1 Soils
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TDM2	T DM2 Public Parking
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WDM1	WM DM1 Waste Management

## WSP1 W SP1 Water

<a href="#">Bersted Neighbourhood Plan 2014 Policy CLW1</a>	Provision for the elderly
Bersted Neighbourhood Plan 2014 Policy ES2	Surface water management
Bersted Neighbourhood Plan 2014 Policy ES3	Protecting the Strategic Gap/Green Infrastructure Corridor
Bersted Neighbourhood Plan 2014 Policy ES4	Buildings and structures of character
Bersted Neighbourhood Plan 2014 Policy ES6	Protection of trees
Bersted Neighbourhood Plan 2014 Policy GA1	Pedestrian and Cycle Connections
Bersted Neighbourhood Plan 2014 Policy HDQ2	Integration of new housing
Bersted Neighbourhood Plan 2014 Policy HDQ4	Housing mix

**PLANNING POLICY GUIDANCE:**

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

**SUPPLEMENTARY POLICY GUIDANCE:**

SPD11	Arun Parking Standards 2020
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**POLICY COMMENTARY**

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, 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 Bersted Neighbourhood Development Plan (BNDP) was 'made' in 2014 and its policies are referred to 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."

Section 70(2) of 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, any local finance considerations, so far as material to the application, and any other material considerations
- (b) any local finance considerations, so far as material to the application,
- (c) any other material considerations.

In accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, the development constitutes Environmental Impact Assessment (EIA) development as defined within Schedule 2 of the EIA Regulations. Specifically, part 10 (b) 'Urban Development Projects' threshold.

**OTHER MATERIAL CONSIDERATIONS**

There are other material considerations to be weighed in the balance with the Development Plan.

**CONCLUSIONS****PRINCIPLE:**

The application site consists of the majority of the strategic allocation identified through policy H SP2a (SD3 - West of Bersted) of the Arun Local Plan (ALP). Policy H SP2a identifies that SD3 (West of Bersted) should deliver at least 2,500 dwellings over the plan period. Additionally, it is identified that the strategic allocation should provide a new three-form primary school, new 3G pitch facility, two new sports pitches, a community hub (including shops, healthcare facilities and a tier 7 library), sustainable connections and new employment provision. As the proposed application site forms part of the strategic allocation under policy H SP2a (SD3) of the ALP, the proposed development constitutes sustainable development for the purposes of paragraph 11 of the NPPF.

This application proposes a development of up to 2,200 dwellings, which in combination with extant planning permissions falling within the allocation (SD3) results in a total provision of 2,495 dwellings. A Framework Masterplan for the entire allocation was submitted to Arun District Council and, following extensive consultation, the document (18723-SBR-ZZ-XX-RT-A-80204 Rev 13) was endorsed by the Planning Committee on 30 September 2020.

The proposed development has been considered against the endorsed Framework Masterplan and has been found to be consistent with it, ensuring that the West of Bersted strategic allocation has been comprehensively planned as required by policy H SP2 of the ALP.

Policy ES7 of the Bersted Neighbourhood Development Plan (BNDP) identifies that the development site is located outside of the built-up area boundary where development is not supported. In instances where a conflict is identified in the Development Plan, Section 38(5) of the Planning and Compulsory Purchase Act 2004 applies. This states that where a policy contained within the Development Plan conflicts with another policy the conflict must be resolved in the favour of the policy which is contained in the last document to become part of the development plan. This approach is also reflected through the NPPG (paragraph 099 reference ID: 41-99-20190509).

As the ALP (adopted 2018) post-dates the BNDP (made 2014) such conflicts must be resolved in favour of the ALP and as such policy H SP2a would take precedence in the determination of this application. Therefore, the development of this site for residential purposes is acceptable in principle, subject to consideration of the proposals against other relevant development plan policies.

It is also material that the Government has recently published a Written Ministerial Statement and a consultation on amending the NPPF and that the focus of these is to raise housing targets and turbo charge growth in order to build 1.5 million homes within the UK over the next five years. The changes proposed in respect of housing delivery and supply will result in an annual increase of 67 dwellings to Arun's Housing requirements. Whilst the WMS has only limited weight, it does clearly set out the governments policy position in respect of planning and this is exceptionally pro-supply and pro-development.

**DESIGN AND LAYOUT**

Policy H SP2 of the ALP requires development proposals within the Strategic Site Allocations to be

comprehensively planned and have regards to a masterplan endorsed by the Council. Further policy H SP2 sets out a 17-point criteria (a-q) for the design and infrastructure requirements for Strategic Site allocations.

As identified above, the West of Bersted Framework Masterplan was endorsed by the Council on the 20 September 2020 and establishes high-level development principles for the strategic allocation. Policy H SP2a (SD3 - West of Bersted) sets out a 10-point criteria which details site specific design and infrastructure requirements for this strategic allocation. The compliance of this development with these requirements as well as the endorsed Masterplan are set out below.

This application is submitted in outline and as such all matters save for access (including layout, scale, appearance and landscaping) are reserved and will be for determination through a subsequent 'Reserved Matters' applications. However, it is still necessary for the Council to consider the impact and acceptability of the development.

The design intent for the wider site is set out in the submitted Design Principles document and is further explained in the following supporting documents:

- Design and Access Statement.
- Landscape Strategy.
- Illustrative Masterplan.

The Design Principles document and Illustrative Masterplan identify how the site could be delivered within the scope of the parameter plans to ensure a scheme which responds positively to the established character of the wider locality whilst ensuring that amenity of existing development is protected. Whilst this detail is only indicative and as such is not to be approved as part of this application it has demonstrated that an appropriate scheme can be delivered within the scope of the parameter plans.

The key structural principles contained within the adopted Framework Masterplan that have been included within the Illustrative Masterplan include:

- Comprehensive design approach for the entire site.
- Residential led mixed-use community with capability of meeting a range of local housing need, providing quality homes for all. This will include both affordable homes and senior living facilities.
- Creation of a sustainable and liveable neighbourhood with a good range of community, education, sport, employment and retail/service facilities. This will include two local centres providing facilities for local people and good connections to community, health and education facilities.
- An extensive area of publicly accessible open space that acts to unify and connect the development and adjoining communities.
- SuDS features that are part of the landscape and consider climate change requirements, thus delivering betterment for the site and wider area.
- Central road connecting the north and south of the site with radial roads off this providing good connectivity by all modes of transit.
- Integration of existing Public Rights of Way into the wider network.
- Habitat protection and enhancement across the site, including tree and hedgerow retention and reinforcement.
- Provision of allotments, community orchards, connections along waterways and new green corridors that afford views into and out of the site towards the South Downs and Chichester Cathedral Spire.

Policy D SP1 of the ALP requires that all development proposals seek to make efficient use of land whilst reflecting the characteristics of the Site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details.

Having regard to the intentions of the policy H SP2a (SD3), D SP1 and D DM1 of the ALP; as well as Policy ES1 of the Bersted Neighbourhood Plan (2014) the proposed development is deemed to encapsulate key design principles which demonstrates an illustrative layout that is in accordance with the key structural principles of the Framework Masterplan as well as incorporating the spine road which is an integral part of the Strategic Allocation.

Limited detail has been provided in relation to detailed design, which is not unexpected on an outline application with all matters reserved save access. However, it will be necessary to secure these details to ensure that the proposals accord with the guidance set out within the site allocation policy (H SP2a) and the Framework Masterplan. To ensure that the design of the development is consistent and responds appropriate to the surrounding character of development a design code masterplan will be secured prior to the submission of the first of the Reserved Matters.

The design code masterplan will ensure that a comprehensive approach is adopted in the development of the site with principles of road hierarchy, character areas, materiality and spatial pattern being defined to ensure that Reserved Matters applications are consistent and respond appropriately to the wider allocation.

Parameter Plan 4 (Access and Movement) identifies the key vehicular, cycle and pedestrian routes through the site. This includes points of connection with adjoining parcels to ensure that the development is permeable and adequately integrated with existing permitted schemes.

The Illustrative Highway Layout (A13395-WB-MP-100 Rev P07) includes indicative details of the proposed road designs for the Spine Road and residential routes. The spine road corridor is identified as being 30.75m in width and incorporates 5m wide footway/cycleways with 2m grass verges on both sides whilst the road is shown as being 6.75m wide. In addition, a 5m wide greenspace is proposed along with a 5m wide swale. This is in accordance with the parameter plans and ensures that a suitable primary route can be delivered. The residential routes (secondary roads) are shown as being 10.5m wide with a 5.5m carriageway and 3m wide footway/cycleways on one side and a 2m wide footway on the other. This is an appropriate width and design for a secondary route and will ensure that the development is able to achieve an appropriate road hierarchy to assist in legibility and permeability.

As design, scale, layout and landscaping are 'Reserved Matters' these will be for determination at a later stage. However, the overall framework and key principles identified through this submission will enable the delivery of a high-quality environment through the creation of a new edge to the existing settlement where landscaping and high-quality green spaces would be an integral part of the development approach.

Appropriately worded conditions are recommended to enable the development to be further controlled and ensure that it reflects the principles established above when it comes to detailed design at reserved matters stage.

#### Height

Arun Local Plan Policy D DM1 states that the scale of development should keep within the general confines of the overall character of a locality, unless it can be demonstrated that the contrary would bring a substantial visual improvement.

The proposed heights of the development are shown in the Parameter Plan 2 - Building Heights (ref. 18723-SBR-ZZ-XX-DR-A-80102). This plan sets out the maximum building heights for the residential and employment areas as well as the primary school. This Parameter Plan has been prepared to demonstrate that the proposed building heights across the Site would be respectful of the sites context



and surrounding streetscape whilst facilitating the creation of a new mixed-use neighbourhood character.

Most new buildings/homes proposed (circa 85%) are identified as being between 2-2.5 storeys which will be consistent with the scale of existing buildings bordering the application site to the east and south. The parameter plan allows for a variety of building heights to be provided throughout the Site. It is envisaged that a small number of three storey buildings would be located along the main vehicular route, at key junctions and around both the northern and southern local centres to further assist with wayfinding and legibility. In exceptional instances four storey elements to add variety and interest may be considered appropriate but would need to be assessed as part of any future reserved matters application and fully justified.

The overall approach to the scale of development is supported as it helps reinforce local character, create a stronger sense of place and identity whilst ensuring permeability and legibility. It would also assist in establishing a hierarchy in the function of buildings. Despite the proposed parameter plans any future reserved matters applications would need to justify the height of development as part of the urban design narrative of the site and how it connects with more recently developed and approved residential development.

The illustrative Masterplan and Design Principles document should inform the detailed 'Reserved Matters' applications to ensure the delivery of a high-quality development and environment.

#### Density

The NPPF requires planning policies and decisions to support development that makes efficient use of the land (para 125). Arun Local Plan Policy D DM1 states that the density of new housing must make efficient use of land while providing a mix of dwelling types which maintain character and respect local distinctiveness. Higher densities will be most appropriate in the more accessible locations such as the local centres.

Section G of the Arun Design Guide suggests a density for village locations of 15-25 for detached/semi-detached houses, 20-30 for terraced houses and 30-50 for flats. The density should be appropriate to the location, balancing the need for efficient use of land with a design that responds to and enhances the existing character.

With a site within the built-up area boundary (BUAB) covering an area of 144 hectares, delivering up to 2,200 new homes, the proposed density of the Site will be approximately 15 dwellings per hectare. This low density is reflective of the landscape-led approach adopted for the site, with approximately 40% of the site area being open space ensuring that the development provides an appropriate transition between the built form of Bersted and the wider countryside beyond.

The illustrative masterplan shows that the proposed density could be varies across the wider site area, responding to the local environment and hierarchies that would arise within the development and its phases. The Design Principles document identifies how densities can be varied across the site to respond to existing character and create character areas on site.

Higher densities are proposed around the local centres with commercial/retail uses responding to the taller built form in those locations. Developments to the eastern and southern parts of the site that adjoin the established communities would seek to respect the density of those existing built areas. Lower densities are generally proposed to the western and more rural edges, including land closest to the listed Morell's Farmhouse ensuring an appropriate transition from urban / suburban to rural. However, densities are not definitively established through the submission and as such it would be appropriate to secure these details through the design code prior to the determination of any reserved matters applications.

The building form, road network and hierarchy of street blocks will be developed at detail design stage as 'Reserved Matters' applications come forward. However, officers support the indicative approach to density shown on the illustrative Masterplan, Parameter Plan 1 Land Use and Parameter Plan 5 Neighbourhood and Character Areas.

## COMMUNITY FACILITIES AND RETAIL

The NPPF, Paragraph 111, requires planning policies to support an appropriate mix of uses across an area, and within larger-scale sites, to minimise the number and length of journeys needed for employment, shopping and leisure.

The strategic site allocation policy states that development on the Site is required to provide a 'Community Hub' to include shops, provision for new healthcare facilities to serve the Site and the Pagham North and South allocations (SD 1 & 2) and a new Tier 7 library facility.

As part of the application, it is proposed that two community hubs will be provided on the Site in the form of two local centres, one to the north and one to the south. The local centre to the south (SLC) would be the larger local centre and will include retail facilities, service facilities, health care, sports hub, primary school and tier 7 library. The centre to the north (NLC) would be smaller and is intended to provide local shops/facilities.

The mix of uses proposed is intended to ensure the local centres can offer a range of services, including small-scale retail provision and small-scale offices subject to market demand. As set out in Appendix 1 of the Applicant's Planning Statement it is anticipated that the retail provision within the local centres would consist of a small element of convenience goods floorspace for top-up shopping and other service floorspace to serve everyday needs, with a limited amount of comparison goods floorspace. The impact on Bognor Regis town centre and Chichester City centre would be limited, with the proposed local centres serving the new and existing residents in a more sustainable manner. Both local centres are intended to be within proximity to the potential location for the care home/senior living accommodation and also accessible to the proposed private and affordable housing provisions within this application site and the rest of the SD3 strategic allocation.

The Site Allocation Policy states new healthcare facilities should be delivered on site. NHS West Sussex Clinical Commissioning Group (CCG) has confirmed support for the delivery of a new doctors' surgery within the local centre. The proposed Use Classes for the local centres allows for the provision of a healthcare facility should one come forward on the Site. The facilities location and layout will need to be agreed with the CCG and controlled through a 'Reserved Matters' application; appropriate conditions and provisions within the S106 Agreement provide for a minimum required floor area.

The proposed Sports Hub, the design of which would be the subject of a 'Reserved Matters' application, is to function as a multi-purpose building, facilitating sporting activities alongside wider community functions. ADC Leisure Services have advised that the building should include a multipurpose hall, gym space, meeting rooms and changing facilities. Details of provision will be secured through the S106 Agreement with detailed design to be agreed through the submission of a 'Reserved Matters' application.

## EMPLOYMENT

The NPPF states that significant weight should be placed on the need to support economic growth and productivity, considering both local business needs and wider opportunities for development (paragraph 85).

The Site Allocation policy requires planned new employment provision where possible with linkages and

accessible pedestrian and cycle routes to Bognor Regis town centre. The policy does not, however, include a specific floorspace/ area requirement, Officers consider the proposed 4.5 hectares of employment land providing up to 4,000 sqm to be an acceptable quantum of employment floorspace, especially given the proximity of other large employment areas locally.

The employment area proposed allows for a flexible range of uses and occupiers, including those in Use Classes B2 (general industry), B8 (storage and distribution) and E (commercial, business and services). A hotel use (use class C1) is also proposed which could cater to the needs of business users should there be a demand for one in this location. The proposed C2/C3 care home/elderly living accommodation would also generate employment.

The area for employment use, as shown on the Land Use Parameter Plan, is in the north-east corner of the Site adjacent to the A259 and affords some separation with adjoining residential uses which would reduce potential conflict through noise and disturbance.

The type and phasing of employment provision that will be delivered is to remain flexible and will ultimately depend on business needs and employment space demands when the application is implemented. Officers consider the proposed range of employment uses to be acceptable and policy compliant.

Policy SKILLS SP1 of the Local Plan states the Council will encourage development proposals to support the raising of skill levels and increase employability, specifically for strategic housing and employment sites. A planning condition is recommended which will require the applicant to submit an employment and skills plan to secure employment and career development of local people during the construction phases of the proposed development.

#### RESIDENTIAL AMENITY

ALP Policy D DM1 requires there be minimal impact to users and occupiers of nearby property and land. Policy QE SP1 requires that new development contribute positively to the quality of the environment and ensure that it does not have a significantly negative impact on residential amenity.

The Council's Design Guide sets out guidance on interface distances between houses to ensure amenity of residents is protected. Layout is a 'Reserved Matter' and it is not appropriate or possible to assess impacts of overlooking and privacy at this stage in the absence of a proposed layout. However, it is material that the relationship with existing dwellings is shown on the outline illustrative masterplan layout, which includes green buffers and comfortable spacing between new built form and existing residential development.

Based on the information provided, the proposed development could be accommodated on-site without giving rise to unacceptably adverse impacts on existing residential amenity. Therefore, the illustrative masterplan, in so far as it can be considered at this outline stage, would be in accordance with relevant development plan policies. Phasing is to be agreed to ensure the protection of the amenity of existing and future occupants. A condition is also included as part of this recommended to secure a Construction Management Plan for each of the phases to ensure that construction is appropriately managed to minimise disturbance.

#### LANDSCAPE CHARACTER:

Policies D SP1, H SP2 and D DM1 of the ALP require that development makes the best possible use of land by reflecting or improving on the character of the site/surrounding area and providing effective and convenient connections to public transport services. Policy LAN DM1 states development should respect

the characteristics and natural features of the relevant landscape character areas. These policies are aligned with the intentions of the NPPF which places great emphasis on character, natural features and landscape character.

Landscaping is a reserved matter and as such is not for determination as part of this outline application. However, the parameter plans show that the site layout will ensure extensive landscaped areas are provided along key public rights of way and newly created pedestrian and vehicle links. Parameter Plan 3 Landscape and Green Infrastructure will be listed in the appropriate condition, this details landscape features on the site to be retained such as hedgerows and trees, including those individual trees and groups protected by tree preservation order (TPO). In addition, it identifies rife, field patterns and ditches and establishes the overall landscape framework for the site that will be protected and further developed through subsequent 'Reserved Matters' applications.

Further detail on each of the landscape character areas is provided in the accompanying Design Principles and Landscape Strategy prepared by Fabrik and contained within the revised Design Principles document produced by Scott Brownrigg. The document identifies several landscape character areas on the site including:

1. North Park Character Area (NP).
2. South Park Character Area (SP).
3. Rife Woodlands Character Area (RW).
4. Green Fingers Character Area.
5. Landscape fringe/ Wellness Trail Character Area.

The landscape strategy provides areas of continuous uninterrupted open space of approximately 25 hectares (approximately 40% of the site area) distributed across the five landscape character areas. It is noted that the South Park and Green Fingers Character Areas are intended to reflect the former RAF 'Advanced Landing Ground' runways'.

An extensive area of landscape is to be provided from the key vehicle and pedestrian access points to the site that will link into large parkland areas to the north and south. The green routes within the site will incorporate walking and cycle routes and provide access to key areas. A proposed Wellness Trail will circumnavigate the site measuring over 7km in length. The sports pitches, that include the 3G pitch facility, will be provided with direct access to the community hub.

The landscape parameter plans also provide details of the areas that will feature woodland or parkland planting. These areas will provide structural elements and provide effective enclosure for key views and screening for the rural settings of Lagnersh Farmhouse and Neale's Farmhouse (Grade II listed buildings), therefore ensuring that development of the site can be accommodated without resulting in unacceptable harm to their setting.

The proposed development would alter the current rural setting of the Grade II listed Morell's Farmhouse, changing the character of the landscape from a more agrarian rural setting to a more urban setting. The submitted details indicate that this impact can be mitigated using landscaping to soften and enhance views. This approach does not seek to use planting to obscure but to instead respect the existing landscape and views, to enable the delivery of a positive, high-quality development within the setting of the listed farmhouse and its farm grouping.

The Design Principles document provides artist's impressions of various parts of the two principal areas including the neighbourhood centres either as sketches or plan layouts, rural neighbourhood areas (one with allotments), the northern boulevard and a concept diagram showing the overarching main landscape areas and the 'Interconnected Necklace of Spaces with the Development Parcels'.

As landscaping is a 'Reserved' Matter and is for future consideration and determination, it must be recognised that the submitted masterplan is illustrative and subject to change. Development of the site should adopt a landscape led approach which would ensure that development would make a positive contribution to its wider context and result in a high-quality development.

It is noted that there may be sections of indigenous hedgerows that are marked for removal with compensatory replacement planting proposed. However, it is preferable that the loss of hedgerows is minimised. Therefore, conditions are recommended to ensure that existing trees including those protected by the existing TPO and hedgerows are retained. Where some loss of hedgerow is unavoidable, a balanced approach will be adopted to the consideration of such losses at 'Reserved Matters' stage with mitigation measures and compensatory planting as well as biodiversity net gain expected.

Overall, the landscaping proposals are acceptable and can be secured through future 'Reserved Matters' applications to meet the objectives of the Framework Masterplan and deliver a scheme that accords with policies H SP2a (SD3), D SP1 and D DM1 of the ALP.

#### PUBLIC OPEN SPACE & PLAY:

ALP policy OSR DM1 requires that housing developments provide sufficient public open space, playing pitch provision and indoor sport & leisure provision to meet the needs of future occupiers. In addition, policy HWB SP1 seeks to ensure that new development is designed to maximise the impact it can have on promoting healthy communities and reducing health inequalities.

The infrastructure delivery plan (IDP) states that the West Bersted development should include a 3G pitch, 2 grass pitches and facilities, and a community sports hub building. The revised Playing Pitch Strategy (PPS), updated as part of the adopted Open Space, Playing Pitch and Built Facilities SPD shows an increased demand for sports pitches. The evidence shows there is under provision for all pitch types across the district, with the west having higher levels of shortfall particularly for youth football, senior/junior cricket teams and senior/junior rugby teams.

ADC Leisure Services have confirmed the playing pitch numbers arising from the calculator as:

Adult football = 1.14  
Youth football = 1.28  
Mini soccer = 1.18 Rugby = 0.58  
Cricket = 0.64  
3G = 0.19  
Total = 5.03 pitches

Several 'half' pitches are shown in the calculations which means that after the provision of whole pitches, unmet demand will remain. The proposed 3G pitch can meet and support a more intensive programme of use. However, Cricket cannot be played on a 3G pitch. Therefore, a separate area needs to be provided for, with other part-pitch contributions used to deliver this. Following discussions with the Council's Leisure Services rounding the total pitch provision to the nearest whole number, results in the requirement for sports pitches considering the 3G provision as:

1 No. Adult football / rugby pitch.  
1 No. Youth football pitch (11v11).  
1 No. Cricket pitch.  
1 No. 3G pitch.

Leisure Services commented that the 3G pitch as currently configured on the illustrative masterplan has the potential to create a barrier between the grass pitches both physically and visually. There would be better flow between all grass pitches if the 3G pitch was moved further to the north with the sports hub building located in close proximity to it. Details of siting and positioning of the pitches would fall within layout and as such should be considered as part of the 'Reserved Matters'.

The form and layout of the sports hub facility has not been defined, it is envisaged the building will include capacity for indoor sports and play as part of a wider community facility. The specification for the hub building will be considered as part of discussions with leisure services and the local community, prior to the submission of the reserved matters application and its delivery will be secured through the S106 agreement.

The Council's Leisure Team have identified the need for a financial contribution towards delivery of additional swimming lane capacity in Arun. The need for this has been clearly defined by the Leisure Team with the proposed development contributing to an increase in demand which should be off set through the delivery of additional swimming capacity.

The development must incorporate appropriate levels of play provision, and this should be high-quality and accessible. Equipped play provision should be positioned to ensure they are sustainably located and accessible to all residents with play opportunities distributed throughout the development. A balance should be sought between quality and quantity whilst meeting the needs of the increased population.

In total it has been requested that the application provide 3 no. neighbourhood equipped areas of play (NEAPs) and these will consist of a 1 No. skatepark, 1 No. pump track and multi-use sport area (MUSA) and destination play area. These NEAPs will be distributed in the southern, central and northern areas to ensure they are easily accessible from all parts of the development. In addition to this the developer had agreed to provide 6 no, locally equipped areas of play (LEAPs) each measuring a minimum of 800sqm, 10 no. local areas of play (LAPs) designed to meet the needs of under 5's as well as 2 no. LAPs designed to meet the needs of those over 65 which would incorporate informal recreational and exercise equipment.

Arun's SPD on Open space, Playing Pitches, Indoor and Built Sports Facilities, January 2020, includes in Table 4.1.1. Quality Guideline Standards for Public Open Space, Play Space and Allotments. Following this guidance the Open Space and Play Calculator (2020) has been applied which has identified that the following provision would be required to meet the needs of 2,200 dwellings and this will be used to inform the S106 Agreement:

Public Open Space	
Parks and Gardens	3.87 ha
Amenity Greenspace	2.90 ha
Natural and Semi-Natural	8.71 ha
Allotments	1.20 ha
Total	16.68 ha

The illustrative masterplan and landscape parameter plans indicate that in total over 40ha of land has been allocated for public open space/play space and allotments. Therefore, sufficient open space and play provision has been secured as part of this outline application.

Provision has been made within the proposed Heads of Terms for the accommodation of public open space and play provision within the S106. The delivery mechanism for securing the ongoing maintenance of the facilities is to also be defined within the Legal Agreement.

Based upon the indicative details provided there would be no conflict with ALP policy OSR DM1 and HWB SP1 and the proposed development could be delivered along with the provision of satisfactory levels of public open space, sports provision and play areas which would accord with the overarching policy intent of delivering high-quality sustainable places.

#### **AFFORDABLE HOUSING PROVISION AND UNIT MIX**

Policy AH SP2 requires that 30% of dwellings on major sites are delivered as affordable housing. The tenure split of these affordable units should comprise 75% social rented and 25% intermediate housing (i.e. shared ownership). This policy also requires affordable housing to be visually indistinguishable from market housing and with large groupings of single tenure dwellings avoided. Affordable housing will be allowed in small clusters throughout development and will include affordable homeownership as well as affordable rentals as per the NPPF.

Additionally further guidance published by the Government has specified that 25% of all affordable dwellings secured through developer contributions should be sold as First Homes. This is reflected in the ADC interim policy statement which identifies that the Council will secure an alternative tenure split of 67% affordable rent, 25% first home and 8% intermediate housing.

When the application was originally submitted a Financial Viability Assessment (FVA) was not submitted and the Planning Statement confirmed that the affordable housing offer would be in line with Policy AH SP2. However, in June 2024 the Applicant submitted a financial viability assessment (FVA), prepared by Turner Morum. The main conclusions of the FVA was that 30% Affordable Housing was not deliverable and would result in a deficit of £142m which is equivalent to a negative return of 2.5%. This is in comparison with an acceptable target margin of 17.8% of scheme gross development value (GDV).

The affordable housing, tenure split, S106 amounts and contribution timings required adjustment to ensure a commercially viable and deliverable scheme. Appendix 3 of the applicants FVA presents several delivery scenarios that were tested through the financial model. Ultimately, it has been concluded that to achieve a commercially viable/deliverable development the scheme would only be able to deliver 10% affordable housing, with a 50/50 tenure split (affordable rent / shared ownership) along with some amendments to the timings of the S106 contributions. Even with the suggested amendments, the early phases of housing delivery would result in a deficit, primarily due to the need for significant infrastructure delivery including the spine road. The revised trigger points for the S106 contributions have balanced the need for mitigation at the various stages of the scheme's implementation with projected financial returns to achieve a deliverable scheme.

Carter Jonas were appointed by the Council to undertake an independent review of the FVA in July 2024. Carter Jonas has commented on the costs and values used and tested through the FVA as well as reviewing the S106 contributions. The sensitivity testing undertaken reveals that a viability position of 10% affordable housing with a split of 50% affordable rent and 50% shared ownership and based on a S106 package of £59.2m with revised triggers and timings can be justified.

Given the significant shortfall in affordable housing provision it would be appropriate to incorporate a review mechanism within the S106 agreement which would ensure that should the viability position change during development then additional affordable housing or financial contributions could be secured. This would be an upwards only review mechanism, which will ensure that the scheme delivers a minimum of 10% affordable housing, with additional affordable housing or financial contributions if conditions allow.

Due to the outline nature of this application and the fact that there is a 15 year build out programme full details pertaining to affordable housing will need to follow in subsequent 'Reserved Matters' applications. The applicant will be required to provide an Affordable Housing Plan for each phase of the development

with details of the size, location and tenure mix to accord with the ALP policy approach and HDQ4 of the Bersted Neighbourhood Plan. These details would be required prior to the submission of individual Reserved Matters Applications. This will ensure an appropriate housing mix and spread of tenure across the entire development.

The Council's Housing Strategy and Enabling Manager has confirmed that the proposals would not meet the 30% affordable housing provision requirement and unit mix as set out in policy AH SP2 of the ALP or policy HDQ4 of the BNDP. Whilst the affordable housing offer is below the policy requirements in terms of both provision and unit mix policy AH SP2 does allow for this subject to appropriate viability evidence being provided.

The independent assessment (undertaken on behalf of the Council) of the FVA has confirmed that the delivery of 30% affordable housing would render the scheme unviable. Therefore, subject to the inclusion of an appropriately drafted review mechanisms within the S106 the proposed 10% affordable housing provision would accord with policy AH SP2 of the ALP.

#### ACCOMMODATION FOR OLDER PEOPLE

ADC have adopted guidance around the provision of 'Accommodation for older people and people with disabilities'. This guidance note provides more detail on the standards to be used when implementing adopted policies of the Arun Local Plan. Specifically, policies D DM1 and D DM2 of the Arun Local Plan.

The adopted guidance note identifies that for schemes exceeding 51 units 50% of the total houses should meet m4(2) standard, whilst in this case an additional 20 units should be designed to m4(3) standards. The use of an appropriately worded condition to ensure that these standards are met would be appropriate and would ensure that the proposed development secured an acceptable number of m4(2) and m4(3) dwellings through the detailed design at reserved matters stage.

In addition to the above provision a 65-bed care home is proposed. The Environmental Impact Assessment (EIA) Scoping Opinion and the endorsed Framework Masterplan did not include reference to the proposed care home/senior living accommodation. However, the NPPF, ALP Policy H DM2 and Policy CLW1 of the BNDP support the provision of homes that meet varying tenure needs, household make-ups and changing lifestyle requirements as well as specialist accommodation.

The potential locations for elderly accommodation are shown in the 'illustrative' masterplan as being within close proximity to the two proposed local centres which would ensure accessibility on foot to the proposed community and social facilities that would be provided as part of the development. Matters of detailed design for the care homes and senior living facility would follow in subsequent Reserved Matters applications.

The provision of 65-bed care home would contribute to the overall level of residential accommodation on the application site. This would result in the provision more than 2,500 units which would be in accordance with policy H SP2a, which identifies the requirement to deliver at least 2,500 units on the West of Bersted allocation.

Therefore, subject to the inclusion of an appropriate worded condition pertaining to the delivery of m4(2) and m4(3) dwellings the proposed development is deemed to provide an appropriate unit types.

#### HIGHWAYS

A Strategic Transport Assessment (STA) and Framework Travel Plan have been prepared by Pell Frischmann and submitted in support of the application along with full details of the transport proposals for the development. The STA considers the accessibility of the Site within the surrounding transport



infrastructure, examines the predicted generation of trips and assesses the overall sustainability strategy adopted for the scheme. The various scenarios considered in the STA have been tested in the modelling and are summarised in the STA as well as para 6.91 and 6.92 of the Planning Statement. WSCC Highways and National Highways were consulted during the preparation of the STA and have reviewed its conclusions and made several requests for clarification of the modelling and information used to support the conclusions.

A total of 23 junctions were tested as part of the assessment with the strategic model providing demand flows for the AM and PM peak hour turning movements at each of the junctions. The junctions tested were agreed with WSCC Highways through pre-application discussions and where appropriate, National Highways. The detailed results of the testing of each junction and the different scenarios tested can be found in the Transport Assessment.

WSCC Highways comments confirmed the acceptance of the vehicle trip generation forecasts for the 2,200 dwellings, 20,866 square metres of B1 (now use class E), B2, B8 employment uses, hotel, care home, and 3-form entry primary school. The junction assessments have then been undertaken for scenarios with mitigation (do something) and without (do minimum) using industry accepted models.

The impact on the identified junctions is considered with and without development for the future year scenarios of 2031 (representing the end of the current Local Plan period) and 2038 (representing a more realistic end of build out for the development). The future year assessments include all potential Local Plan growth identified within the current Arun and Chichester Local Plans as well as that development which is already committed.

WSCC are satisfied that the Transport Model assessment of the development has included all junctions likely to be impacted by the proposed development. The junctions beyond those that have been considered in the model are outside the immediate area and were discounted following pre-application discussions with WSCC and National Highways due to the limited impacts of development upon their operation. WSCC have provided comments in respect of the junction outputs and potential mitigation, and these have been responded to by the applicant as part of the ES Addendum.

The Transport Assessment notes that overall, the junctions will either operate within capacity, or there is identified mitigation that would offset adverse impacts because of the proposed development. The junctions which are forecast to operate over capacity (in some of the tested scenarios) are noted in the Transport Assessment, along with commentary on how the impacts would be mitigated. WSCC and National Highways have been consulted and have confirmed that the highways impact following mitigation, are acceptable.

The key junctions that require mitigation are:

1. The A27/ A259/ Vinnetro Road (Bognor Road Roundabout), additional modelling assessment of the Bognor Road roundabout has been undertaken, based on the 2017 Enterprise Bognor Regis (EBR) improvement scheme. National Highways confirmed that the impacts of the proposed development on this junction would be appropriately mitigated by the proposed EBR scheme (drawing reference 103800\_0002). It has subsequently been confirmed that a proportional financial contribution towards this junction (£935,421.33) to be paid prior to the occupation of the 220th dwelling would be required. This will be secured through the S106 agreement.

2. A27/B2145 Whyke Roundabout results in a redistribution of the available capacity. National Highways confirmed in their response dated 25 August 2023 that the impacts of the application proposals on this junction can be successfully mitigated via the implementation of the proposed Arun Stage 3 Transport Study mitigation scheme (drawing reference JNY8840-19 Rev A). It has been confirmed that a financial

contribution of £1,725,680 should be paid by the occupation of the 660th dwelling. This will be secured through the S106 agreement

3. The operation of the A259/B2144 Drayton Lane junction is forecast to exceed capacity. For the A259 Drayton Lane Roundabout, this is covered within the on-going WSCC A259 Study. This Study covers the stretch of the A259 between the A29/A259 Shripney Road By-Pass Roundabout and the A27 Bognor Road Roundabout. To fulfil that requirement within the Site Allocations Policy (referring to improvements on the A259 between Bersted and Drayton), the development will be expected to make an appropriate and proportionate financial contribution to the overall WSCC led works. This financial contribution will be secured through a S106 agreement.

In addition to the three specific junction mitigations identified above ADC have developed a linked package of mitigation/improvement works to mitigate the impacts of the Local Plan upon the local highways network. The proportional contributions of the development are identified through the Apportionment Study (2022) prepared by ADC in consultation with WSCC.

The additional junctions that proportional contributions will be secured towards are:

- Rowan Way A29/A259.
- Felpham Relief Road Junctions Imp A259.
- Oystercatcher Junction A259.
- Comet Corner Junction A259.
- Bognor Regis to Littlehampton A259 Corridor Improvements.
- A259 Bersted to Drayton.

WSCC Highways have confirmed that they are satisfied that the proposed financial contributions towards the local highways network will support the delivery of the necessary mitigation. Subject to these mitigations the proposed development is acceptable and would accord with relevant development plan policies.

Concerns were raised through the West of Bersted Advisory Group around the potential impacts of development upon the operation of Chalcraft Lane prior to the delivery of the spine road through the development. In order to address these concerns a Transport Note (TN) was provided by the applicant which assessed the construction and operational impacts of the proposed Phase 1 and 2 (463 dwellings) on the operation of Chalcraft Lane.

The TN identifies that impacts arising from the build-out and occupation of Phases 1 and 2 prior to completion of the spine road, would give rise to a small but temporary impact on two of the junctions tested. However, both junctions would continue to operate within capacity. The TN concluded that Junction 9 (the Chalcraft Lane / Hewarts Lane / B2166 Lower Bognor Road roundabout junction), would experience a very minor increase in delay in queuing on one arm, in the PM peak, which would equate to an additional delay of less than 30 seconds until such time as the spine road was completed. WSCC Highways have reviewed the TN and confirmed they are satisfied that the identified impacts arising from the construction and occupation of Phases 1 and 2 (prior to the delivery of the spine road) would not be severe as required by NPPF paragraph 115.

Additional phasing information has been submitted by the applicant following the submission of the TN. The Phasing Plans indicate that the link road would be operational from 2031 once Phases 1 and 2 are completed and Phases 3B, 4A and 4B had commenced. The updated phasing information suggests that by 2030 (prior to the opening of the new link) 225 units would have been completed which accessed the site via the southern access point. By comparison the submitted phasing evidence suggests that 338 units would be complete and access the site via the northern access. WSCC Highways having reviewed

this updated phasing information have confirmed that the additional impacts associated with this relatively small increase in vehicular movements would not give rise to severe highways impacts.

It is proposed to impose a Grampian style condition that would restrict occupations to a to no more than 225 units access via the southern access and no more than 338 occupations to be accessed via the northernmost accesses prior to the completion of the spine road and it being open to through traffic. Officers are of the opinion that the condition is appropriate to ensure the earliest delivery of the spine road and avoid potentially severe impacts on the operation of the highways network.

The impact of the Chichester District Local Plan 2021-2039, likely to be adopted in Spring 2025, has been taken into account as part of WSCC Highways and National Highways review of the transport and highways modelling work.

## ACCESS

The 'Parameter Plan 4 - Access and Movement' identifies the principal movement and access points into and around the Site. There will be three primary accesses and one minor vehicular access into the site. Under the Outline Planning Application access is not reserved and detailed drawings for these junctions are included as part of the application. The detailed access plans have been updated during the life of the application in response to WSCC Highways comments. Following amendment, the proposed access arrangements have been confirmed as acceptable by WSCC following the incorporation of improved pedestrian and cycle crossings.

It is proposed that two of the main access points will be located at the northern end of the spine road:

The spine road within the Site will connect to the A259 via an enlarged and improved A259/ North Bersted Bypass/ B2259/ Elbridge Avenue Junction. Appropriate cycling and pedestrian infrastructure, including safe crossing locations, will be provided at the accesses and along the A259 (which forms the boundary of the Site). The existing bus stops on the A259 will be retained, and suitable, direct connections provided from the proposed development.

There will also be a new, smaller, roundabout approximately 140 metres to the north of the main site access with the A259, which will provide a secondary access for Site users travelling to/from Chichester to the north-west, and this junction will also serve the employment area.

The third vehicular access will connect the spine road to Lower Bognor Road and Chalcraft Lane to the south of the site. It is proposed that the B2166 Lower Bognor Road will be realigned to the east; to better align with the southern end of the spine road a new roundabout junction (Junction 13) will be delivered. The B2166 Lower Bognor Road will have a cycle path, promoting direct access from the surrounding area to the new development and the southern local centre/primary school. Along the eastern edge of the realigned Lower Bognor Road there will be a new swale and landscaped verge with trees forming a corridor to provide a landscaped entrance to the Site. The roundabout at Hewarts Lane/Chalcraft Lane connecting the Site to the wider road network will also be improved to accommodate the additional vehicular movements.

A minor priority T-junction will also be provided off Chalcraft Lane. This will not be a main point of access and will be for local traffic only. This access point will be subject to detailed design as part of a future Reserved Matters Application. The access plans that form part of the detailed application are identified through Condition 4.

Parameter Plan 4 shows potential locations of secondary vehicular routes, pedestrian and cycle routes and the wellness trail, albeit these may well be subject to change once detailed design work has

commenced. The WSCC Public Rights of Way (PRoW) Officer has commented on the application and the nature of the proposed routes and connections, with some adjustments having been made to the cycle and pedestrian routes along with the provision of a 3m Bridleway on FP134. The requirements for the PRoW and cycle routes on the site will be secured via suitably worded conditions whilst financial contributions towards enhancement of the existing PROW and cycle routes off site will be secured through the S106 Agreement.

In relation to bus provision discussions have been held with Stagecoach, to secure the provision of a new bus route through the site following the proposed spine road. The spine road has been designed to accommodate these bus movements. However, the exact alignment of the spine road will be agreed at the 'Reserved Matters' stage and should be in accordance with the Parameter Plan. Once the bus route is confirmed the bus stop locations can be agreed as part of the detail within the 'Reserved Matters' applications. Provision has been made within the Heads of Terms for a financial contribution to subsidise the initial running costs of the proposed bus route and measures for sustainable transport improvements to include, for example, new bus stops within the development, improvements to existing nearby bus stops, real-time information displays and raised kerbs to facilitate access. Despite attempts by Arun and WSCC officers Stagecoach are yet to provide a formal response to the proposed mitigation package. In the absence of any comments from Stagecoach officers must presume that the package is acceptable.

In light of the above assessment subject to the imposition of appropriately worded conditions and completion of the S106 Agreement the proposed development is acceptable in highways terms and would accord with Policies T SP1, H SP2 and T DM1 of the Arun Local Plan, Policies GA1, GA2 and GA3 of the BNDP and the WSCC Local Transport Plan (2011-2026).

## **PARKING**

The Design & Access Statement (DAS) acknowledges the requirements of Policies D DM1 and T SP1 'Transport & Development, ADC's Parking Standards SPD (January 2020) and WSCC Guidance on 'Parking at New Developments' (September 2020) and other published guidance. The ADC Parking Standards SPD identifies the quantum of parking necessary to meet the needs of the development. It is also identified through this document and Manual for Streets that a total of 5% of the parking spaces should either be designed to meet the needs of disabled people or capable of conversion. However, the detail of the car parking in each phase of development will be considered as part of subsequent 'Reserved Matters' applications and is not a matter for consideration as part of this outline application.

Policy QE DM3 of the Arun Local Plan and the Parking Standards SPD encourage the use of electric vehicle charging points for all developments. The policy requirement is for 100% provision on developments with a stepped approach adopted between active and passive provision. Conditions are recommended to ensure that each phase of the development meets the relevant adopted policy requirements in the detailed 'Reserved Matters' stages.

Appropriate provision of cycle parking will be required to ensure sustainable transport options are available to future occupiers. Each Reserved Matters application will be required to provide details of policy-compliant cycle parking. The provision of cycle parking prior to the occupation of each residential unit and operation of other uses, including community, retail, employment and education will be secured through condition.

## **TRAVEL PLAN/MONITORING**

A Framework Travel Plan was submitted with this application and has subsequently been amended to align with WSCC's Travel Plan Guidance. However, WSCC Highways have advised that travel plans will be required for all uses within the development that have the potential to generate significant numbers of

trips. As the proposed development includes residential, employment, retail, education and leisure uses, and in phases, Travel Plan/s will be required for each phase and the specific uses provided within that phase. Such Travel Plans would need to be approved prior to the use or occupation of the development. Therefore, travel plans will be secured through planning conditions as well as through the S106 Agreement which would include appropriate monitoring contributions.

#### **ECOLOGY, HABITATS AND BIODIVERSITY:**

The application was accompanied by an Ecology and Nature Assessment (Chapter I of the Environmental Statement (ES), September 2022). Responses were provided to comments of the Council's Ecologist through the updated ES Addendum.

Prior to submission the applicants engaged with Natural England (NE) in respect of the Ecological Assessment to agree the extent of surveys and to inform key aspects of the approach to the Site. It was agreed that the Site was not functionally linked habitat to the Pagham Harbour SPA and as such development would not result in any detrimental impacts on the SPA subject to appropriate financial contributions towards the Pagham Harbour Management Strategy and as such would accord with Policy H SP2a (SD3) and Policy QE SP1 of the Arun Local Plan.

The Preliminary Ecological Appraisal (PEA) identifies the 'Site' as dominated by arable fields used for crops with the ecological value being deemed as low or negligible. From the surveys undertaken, bats were identified as having a local value.

The Ecology and Nature Assessment found bats to be present on the site with activity concentrated on the internal hedgerows dividing the polytunnels at the northern end of the site (H16) and separating the large field compartment to the south from the fruit farm (H7). Other habitats such as the woodland edge to the south, southwest and northeast, were also associated with slightly higher levels of activity but not beyond site level value. The assemblage is of local value due to the dominance of common and widespread species together with the limited activity of all three annex II species (barbastelle, greater horseshoe and lesser horseshoe). The results show that the site does not form a significant foraging resource for these species and is only used on occasion.

Nathusius' pipistrelles were also recorded on site. Activity was recorded as being generally low and their presence was not unexpected given the proximity of the site to the south coast, and the migratory nature of the species which arrive in the UK during autumn from Northern and Eastern Europe.

Nocturnal surveys were carried out following a preliminary roost assessment of the buildings which concluded that they offered low potential for bats. As no bats were seen entering or exiting the buildings, no further surveys were required. Further surveys recorded a Soprano Pipistrelle emerging from under the tiles of a building, but no bats were recorded in further surveys. Therefore, this was deemed an occasionally used day roost by low numbers of soprano pipistrelle bats consistent with the assumptions of Chapter I of the ES (September 2022).

Compared to the earlier assessments, activity levels on site are largely similar to those reported in the ES (September 2022), but with a slight increase in species/species groups. There was no change to the assessments in relation to bats emerging from buildings apart from the earlier recording of one bat emergence in May 2023. Despite the low activity, conditions regarding further surveys and mitigation measures are recommend, where appropriate.

The birds identified through the surveys were found to be typical of a mixed rural / farmland area in West Sussex and are not significant ecologically. Suitable habitat for hazel dormouse was identified but no evidence was found of this species during the survey work. Reptile activity is limited to areas around the

edges of the Site. Occasional signs of water vole activity were also identified which triggers the requirement for further surveys which is identified in the recommended condition.

The landscape led approach combined with the PEA seeks to incorporate green infrastructure capable of avoiding impacts on most of the ecologically important features present. As identified above a loss of hedgerow is indicated but this would be subject to further detailed assessment through the future 'Reserved Matters' applications and any loss would need to be justified and mitigated for through the provision of compensatory planting. Ditches and hedgerows should be retained and designed into the proposals, and the detailed landscape designs for areas of public open space will ensure the areas are enhanced with higher value habitats to those currently present, with the aim to create high quality natural spaces for recreation and biodiversity as identified within the updated PEA.

#### TREES AND HEDGEROWS:

ALP policy ENV DM4 states TPO protected trees, Ancient Woodland or trees that contribute to local amenity are not damaged or felled unless the development meets certain criteria, including where benefits outweigh the loss of trees or woodland and appropriate mitigation can be secured.

As noted, a Tree Preservation Order (TPO/BE/3/20) covers the site and relates to a total of 42 trees including Oaks, Sycamores, Field Maple, and Ash Trees. The Illustrative Masterplan has taken account of the root protection areas (RPAs) of the trees that are subject to Tree Preservation Orders and none of these trees are proposed for removal.

The Landscape Parameter Plan demonstrates an intention to retain trees the subject of TPO and as such there are no concerns with these proposals. Trees and hedging are present on the northern boundary but are located outside of the redline boundary. Where trees and hedging are within and/or on the boundaries of the site, the intention is that these would be retained as part of the detailed design. It is noted that the mitigation measures including the Environmental Statement (ES) Vol 1 Chapter I 'Ecology and Nature Conservation' includes reference to the loss of hedgerows H5, H13, H16 and H17 and partial loss of H25 with additional hedgerow planting proposed to mitigate the loss. However, the loss of hedgerows would be resisted with the intention that all are retained as features of the site, by virtue of their ecological and visual value.

However, this is a matter of detail and would be subject to further assessment under the respective 'Reserved Matters' applications. In addition, specific landscaping, tree and hedgerow related conditions are recommended to be included as part of this application to ensure the retention, and protection of these features during construction.

Given that landscape is a Reserved Matter there is no need for details to be provided at this stage, but it is anticipated that new landscaping would include a mix of native species and plants. Should there be any future tree loss associated with the 'Reserved Matters' applications, then new tree/hedge planting should be provided on a 2:1 basis. New tree planting will be required to mitigate any significant loss. Noting the mitigation measures, which are not fixed when considering the further stages of this application, the intention would be to ensure losses of existing mature, native hedgerows are avoided where possible.

As proposed and at this stage the proposals would not result in any conflict with relevant Arun Local Policies insofar as they relate to trees and hedgerows. Therefore, subject to the imposition of appropriately worded conditions the proposed development would be in accordance with policy ENV DM4 of the ALP.

Designated Sites:

The initial Preliminary Ecological Appraisal (PEA) included an assessment of ecological effects from the Proposed Development. The following surveys were undertaken to better understand the current ecology of the site: a Phase 1 Habitat and Preliminary Protected Species Survey; Hedgerow Surveys; Surveys of Badgers, Bats, Great Crested Newts, Breeding Birds, Winter Birds, Hazel Dormice, Reptiles and Riparian mammals.

The assessment of habitats and protected species surveys identified appropriate mitigation measures where necessary following engagement / liaison with Natural England. The development of the Site does not give rise to any harm to designated sites, or their special ecological characteristics and habitats as no direct or indirect effects to the qualifying features or species are predicted during the construction phases due to:

- Distance from the site being far enough to avoid any negative impacts.
- The lack of suitable habitat present at the Development Site for supporting qualifying species.
- No impact on water quality.
- Method and means of foul water disposal.
- Negligible pre-mitigation visitor pressure.

ALP policy ENV DM2 requires residential developments located within 5km distance ('Zone B') of Pagham Harbour to make a financial contribution towards the provision of accessible natural open green spaces to serve the area. Subject to this financial contribution being secured through the S106, the proposals will accord with policy ENV DM2.

#### BIODIVERSITY NET GAIN (BNG)

The original BNG calculations indicated a net gain of 10.71%, using the Biodiversity Metric 2.0. The Council's Ecologist requested that an updated BNG assessment be carried out, using the latest metric. The comments also reflect on the minor adverse effect predicted to occur on Skylarks at a local scale, reported in the ES (September 2022). The Council's Ecologist suggested that a bespoke Farmland Bird Mitigation Strategy is required to ensure that impacts upon nesting Priority farmland birds, particularly Skylarks are mitigated, and this has been adequately addressed through the inclusion of a suitably worded planning condition.

Volume 1, Chapter I of the original Environmental Statement (ES) indicated that of the 31 hedgerows at the Development Site, 26 are to be retained with four scheduled to be lost (H5, H13, H16 and H17) and one reduced or partially lost (H25), in total it is estimated that just over 2km of hedgerow is to be lost. An additional 5.15km of hedgerows and tree lines are shown as being provided on the illustrative masterplan. Despite the additional planting a loss of -14.95 hedgerow units is predicted and as such, if unmitigated, the loss of hedgerows at the Development Site will be Minor Adverse.

An updated biodiversity net gain calculation, Table 1 of ES Addendum, was prepared using the Biodiversity Metric 4.0 which indicates a moderate net gain of 11.33% for habitats and a -2.95% loss for hedgerows. The updated BNG calculation has found the net loss in hedgerow units to be less than previously reported in the ES (September 2022), which was -14.96%.

There are 5.15km of new hedgerows specified in the illustrative masterplan which deliver a total of 21.79 hedgerow units. To compensate for these lost hedgerows and ensure a net gain is achieved, a minimum of 2.18km of additional new native hedgerow above that identified is estimated to be required. Given that over 40ha is being provided for open space delivering new hedgerows of at least 7.33km across the site is achievable.

Any 'Reserved Matter' application relating to landscaping would be required to demonstrate how hedgerow loss is further minimised and appropriate mitigation secured to provide sufficient lengths of additional, high value hedgerows to achieve the BNG target. This approach is consistent with and confirms the residual effects reported in Chapter I of the ES (September 2022), which stated that an appropriate level of BNG was achievable.

The applicant proposed the submission of a Construction and Environmental Management Plan (CEMP) for each phase of the development. The CEMP would secure details of ecological avoidance and mitigation to be implemented during the construction of the development, identifying all sensitive habitats including hedges and watercourses. It will also impose buffers around habitats where temporary fencing is required to ensure that development does not adversely impact upon ecology.

Subject to the inclusion of appropriately worded conditions the proposal would comply with Policies ENV DM3 and ENV DM5 of the Arun Local Plan as well as the National Planning Policy Framework in terms of species and habitat protection and mitigation.

## AGRICULTURAL LAND

The agricultural land classification for the site identifies pockets of Grade 2 and 3b with one area indicated as Grade 5 but most of the site is identified as Grade 3a (Figure 4.4 of the PEA). The Development Site therefore consists primarily of best and most versatile agricultural land, primarily in the Subgrade 3a category (considered to be 'Good' in the context of the ALC descriptors).

Policy SO DM1 in the Arun Local Plan is clear that any form of development not associated with agriculture, horticulture or forestry will not be permitted on Grade 1, 2 and 3a land 'Unless designated by this Plan or a Neighbourhood Development Plan'. Given this site is designated within the Local Plan as a strategic housing allocation, the loss of this agricultural land for residential purposes is acceptable in principle and permissible in accordance with policy SO DM1 because the issue regarding the loss of agricultural land was considered as part of the Local Plan preparation.

However, there is still a need for mitigation measures, including a Soil Resources Plan which demonstrates that care will be taken to preserve the soil resource such that it can be incorporated into a Productive Green Environment, as required by policy SO DM1. Therefore, an appropriately worded condition will need to be imposed to secure details of these measures prior to the commencement of development.

## FLOOD RISK

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

The NPPF requires development to be located in areas at the lowest risk of flooding (paragraph 168) and that when determining planning applications, local authorities should ensure flood risk is not increased elsewhere (paragraph 173). Major developments should also incorporate sustainable drainage systems unless there is clear evidence to suggest this would be inappropriate (paragraph 175).

A Flood Risk Assessment (FRA) was submitted in support of the application (Appendix E1 of the Environmental Statement) alongside a Sustainable Drainage Report (Appendix E2 of the ES), produced by Pell Frischmann. The key findings of the FRA were as follows:



- The Site is wholly within Flood Zone 1 and is at low risk of flooding from fluvial and tidal sources. This low risk of flooding remains when considering the potential future impacts of climate change.
- A network of small irrigation ditches and ordinary watercourses currently flow within and alongside the Site boundary. The risk of flooding from these sources is assessed as low, due to their limited catchment size and relatively high conveyance capacity.
- Groundwater flooding was identified as a potential risk to the Site. Monitoring of groundwater levels has identified a gradient within this groundwater where levels are higher in the south and lower in the north, indicating a pathway for baseflow to the ditches and Elbridge Rife.
- A suite of mitigation measures, to be secured via conditions, is recommended to address the identified risks, to maintain and improve the condition of the local watercourses and to ensure flood risk is not increased elsewhere because of the proposed development. Details of these should be submitted with each subsequent Reserved Matters Application.

To manage the impacts of groundwater on trenches and excavations during construction, the FRA includes several recommendations in respect of a suitable dewatering strategies. Opportunities for long-term monitoring of groundwater levels have also been identified which will aid the Lead Local Flood Authority (LLFA) in understanding the impacts of groundwater and to help convey messages and information to residents to improve their resilience to the potential impacts of flooding.

Following the submission of further clarifications by the applicant, the Environment Agency, WSCC as LLFA and ADC Drainage have confirmed that the FRA is in accordance with the requirements of the NPPF. The FRA demonstrates that the development could proceed without being subject to significant flood risk, providing the mitigation measures identified and set out in the Drainage Strategy are implemented as part of the phased development of the site. Furthermore, the development will not result in increased flood risk to third parties subject to the suitable management of surface water runoff.

Therefore, the proposed development subject to appropriate conditions would accord with the flood risk policies set out in the Arun Local Plan and the NPPF.

## **SURFACE WATER 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. Environment Agency (EA) flood maps show that the site is wholly situated within Flood Zone 1 and as such is not classified as being at risk of flooding by main rivers or tidal sources. Although the high-water table increases the risk of groundwater flooding,

A Sustainable Drainage Report and strategy forms part of the submitted FRA (Appendix E2) and has been reviewed by the Council's drainage engineers. The sites catchment drainage is to Elbridge Rife to the north, Orchard Caravan Park in the central area and to the anti-tank ditch in the southern area. Most of the site falls within the Aldingbourne Rife surface water catchment body, the area to the south forms part of the Pagham Rife surface water body catchment.

As part of developing the parameter plans for the scheme, there are several embedded mitigation measures related to flood risk and drainage. This included appropriate standoff from all the main watercourses being applied, including attenuation ponds, with no built development located within 3m of the top of bank of these watercourses in line with Arun District Council's future maintenance requirements.

The Sustainable Drainage Report (Appendix E2) has, from project inception, identified a suitable strategy for the management of surface water from the Proposed Development. It sought to outline existing surface watersheds and retain these wherever possible to avoid localised issues with catchment transfer.

From these catchments, a suitable method of surface water disposal was identified to the relevant watercourses (with limited source control infiltration methods) together with a suitable maximum allowable discharge rate.

This discharge rate is equivalent to the pre-development greenfield runoff rate and will be used to restrict runoff for all storm events, including appropriate increases in rainfall intensity to allow for the impacts of climate change. Allowances have also been made for the impacts of urban creep within the development as per West Sussex County Council's policy.

Within the parameters plans, suitable space has been allowed to accommodate sustainable drainage features, such as ponds and basins that will accommodate the additional runoff generated by the Proposed Development, while allowing for discharge at, or less than the pre-development greenfield rate.

The Council's Drainage Engineers have raised no objections in principle and are content that a suitable drainage scheme can be secured using appropriately worded conditions. On this basis, there is no conflict with the relevant drainage policies.

## FOUL DRAINAGE

ALP policy W DM1 states all major developments must demonstrate, that adequate drainage capacity exists or can be provided as part of the development. Where adequate capacity does not exist, there will be a requirement that facilities are adequately upgraded prior to the completion and occupation of development. It is understood that foul drainage from the site will be directed towards the Ford Wastewater Treatment Works. There is no requirement for a full Drainage Impact Assessment as the site does not lie within the Lidsey Treatment Catchment designation.

The FRA and Indicative Foul Water Drainage Strategy identifies that there is an existing public foul sewer running adjacent to the site boundary on the northern and southern ends and that taking account of site levels constraints, a combination of gravity and pumped systems are proposed to drain foul effluent from the site with a discharge into the existing public sewer. A temporary pumping station would be required for Phase 1 with a permanent pumping station then provided to service the entire site. An indicative location has been identified within the northern open space for such provision.

Southern Water have raised no objection to the proposal but have confirmed no foul sewerage from the site shall be discharged into the public system until offsite drainage works to provide sufficient capacity within the foul network to cope with additional sewerage flows are complete. A minimum of 24 months from a firm commitment for development is required by Southern Water, who will liaise with the developer, to deliver network reinforcement that aligns with the proposed occupation of the development.

It is material that, as per Ofwat rules, where a development can connect directly to an existing public sewer system at no more than the existing pipe diameter, there is no requirement to undertake a capacity survey, and the new connection would be subject to infrastructure charges.

However, due to known foul drainage issues within the district it is recommended that a condition is imposed which will require occupation of the development to be phased to align with the implementation of the reinforcement works by Southern Water. This condition will ensure that the development does not increase flood risks off site. Subject to the proposed condition the development would accord with policy W DM1 of the Arun Local Plan.

## HERITAGE

The requirements of The Planning (Listed Buildings and Conservation Areas) Act 1990 are reinforced by the National Planning Policy Framework (NPPF), which at Chapter 16, sets the national agenda for 'Conserving and enhancing the historic environment'. This requires that the significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) to be identified and assessed and for this to inform future change to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. Paragraph 213 of the NPPF states that the significance of a designated heritage asset can be harmed or lost through alteration or destruction of the heritage asset or through development within its setting. Paragraph 209 of the NPPF states that planning should conserve heritage assets in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of this and future generations.

It should be noted that the Courts have held that 'preserve' means an absence of harm. The NPPF points out that harm can be either 'substantial' or 'less than substantial' and where harm occurs, it should be given considerable weight as a material consideration in the assessment of planning balance. This national policy intent is addressed by ALP policy HER SP1 which states development likely to prejudice heritage assets and their settings will be refused. Whilst Policy HER DM1 requires that proposals protect and, where possible, enhance the setting of Listed Buildings.

Paragraph 207 of the NPPF requires applicants to describe the significance of heritage assets affected, including any contribution made by their setting. Paragraph 208 then requires Local Planning Authorities to identify and assess the particular significance of the heritage asset that is affected by a proposal. The Local Planning Authority must then consider the level of harm associated with the proposal and decide whether there is no harm, 'less than substantial harm' or 'substantial harm'. Where 'less than substantial harm' is identified it is necessary to counterbalance that harm against the level of public benefits associated with the proposal (as set out in para 209).

There are several listed buildings in the vicinity of the site, including the Grade II listed Morell's Farmhouse, Neale's Farmhouse and Lagnersh Farmhouse. A 'Settings Assessment' was undertaken on behalf of the applicant by Cotswolds Archaeology which considered the potential impacts of the development upon the designated heritage assets (see Appendix F2 of the Environmental Statement). This assessment concluded that the site does not make any meaningful contribution to the significance of the Grade II Listed Lagnersh Farmhouse and Neal Farmhouse due to the lack of any clear visual, historical or functional relationships. With the key elements of the settings of these assets, represented by gardens and associated outbuildings within their immediate surroundings, which would be preserved. Accordingly, no harm was identified to the significance of these assets as a result of the proposed development.

With regards to Morell's Farmhouse, the assessment concludes that land within the south of the site makes some contribution to the significance of the heritage asset by way of reflecting the historically rural context of the farmhouse. The introduction of housing within this landscape would alter the existing rural setting, changing its character to one which is distinctly urban.

Having regard to the Applicant's assessment and findings and the views of the Council's Conservation Officer, the loss of the rural setting of Morrell's Farmhouse would result in some level of harm to the setting of the farmhouse.

The Council's Conservation Officer has confirmed that given the adoption of specific design measures, such as the retention of open space immediately south and east of the listed building, and the use of supplemental planting along the existing site boundary (these measures will be secured through the Parameter Plans and can be controlled through the use of conditions), the overall level of harm would not exceed the lower end of 'less than substantial', as identified by the NPPF. Where a development results in 'less than substantial harm' to the significance of a designated heritage asset, this harm should be

given great weight in the planning balance. Therefore, the harm arising is required to be weighed against the public benefits of the proposal.

As noted by the Strategic Policy Allocation SD3, the development of this site would result in the provision of a significant number of new homes and specialist accommodation for the elderly. With the current Housing Land Supply (HLS) position and the Development Plan being out-of-date for housing delivery purposes, this benefit must be attributed significant weight in the planning balance. It should be noted at the time the Local Plan was adopted, it was anticipated that this site would be contributing to the HLS by 2023/24 and the delays in delivery have had a significant impact on the Council's HLS.

In addition, the development would enable the provision of community, sport and health facilities along with new retail provision and employment floorspace serving not only the new residential areas but the wider area. Whilst each of these elements would carry different levels of weight, overall, the combined weight attributed to these benefits would be moderate.

The development will also generate employment opportunities during the construction phase of the development as part of ADCs skills programme which would be secured through condition. As this programme would not be permanent, it could only attract moderate weight in terms of public benefit.

Future residents will also generate additional spending on goods and services within the local area and bring additional capital receipts through Council and Business Tax payment which is considered to carry some limited weight.

The combined short and long-term public benefits would significantly outweigh the 'less than substantial' harm that would arise to the setting of the designated heritage asset (Morell's Farmhouse) in accordance with Paragraph 202 of the NPPF. Therefore, the proposed development is in accordance with relevant development plan policies.

As the masterplan is 'illustrative' and 'Reserved Matters' application/s would follow in respect of siting, scale, appearance and landscaping, the need to consider the impact of the proposals upon the designated heritage assets would need to be revisited during 'Reserved Matters' stage.

## **ARCHAEOLOGY**

ALP Policy HER DM6 states that where a site has the potential to include heritage assets with archaeological interest, permission will only be granted where it can be demonstrated development will not be harmful to the archaeological interest of the site.

To assess the impact of development proposals at the Site and in accordance with policy HER DM6, an Archaeological Desk-Based Assessment was prepared in 2008 and forms Appendix F1 of the Environmental Statement (ES) submitted in support of this application. In addition, an archaeological evaluation of 410 trenches was carried out within the Site between August and October 2008 in accordance with a Written Scheme of Investigation (WSI) approved by the Council's archaeological advisor (see Appendices F1 and F2 of the Environmental Statement).

To minimise the effects of construction activities upon archaeological remains within the Site, an appropriate programme of archaeological mitigation will be undertaken prior to and during construction and this will be secured through the imposition of an appropriately worded condition.

In accordance with paragraph 206 of the NPPF, the recommended form and scope of the mitigation varies across the Site according to the identified sensitivity of known areas of archaeology and the likely construction impacts associated with the proposed land-use. Full details of the proposed mitigation are

outlined in Chapter O of the ES, which includes a proposed archaeological watching brief for monitoring during construction works to record any remains present and if any remains of higher significance are identified then further investigation must be carried out.

The previous 2008 evaluation (Appendix F2 of the ES) has enabled the development proposals to be tailored to allow preservation in-situ of several areas of identified archaeological remains of high and medium sensitivity, through their inclusion within public open space as set out in the Parameter Plan.

The Council's Archaeologist has been consulted and is in agreement with the conclusions regarding the potential impact of this proposal on deposits of interest. Therefore, the proposed development is in accordance with policy HER DM6 subject to the imposition of a suitably worded condition to secure detailed recording of finds prior to development taking place.

## GROUND CONTAMINATION

The NPPF requires planning policies and decisions to contribute to and enhance the natural and local environment by remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate (paragraph 180). ALP Policy QE DM4 states development will be permitted on land that is contaminated if remediation is provided. Applicants are expected to carry out adequate investigation to inform a risk assessment.

A Preliminary Risk Assessment - Geotechnical and Geo-environmental Desk Study has been prepared and included at Appendix KI of the Environmental Statement (ES). This assessment concludes that the geo-environmental risks associated with the site are either Low Risk or Very Low Risk. Most of the Site is considered unlikely to be subject to significant land contamination constraints, however, there is a risk that the former airfield in the south could have been contaminated through historic refuelling activities. There is also potential for asbestos to be found on site from the demolition of former structures.

The Council's Environmental Health Officer has been consulted and has not objected to the proposals subject to contamination conditions being imposed at both Outline and 'Reserved Matters' stage. Subject to these conditions there would be no conflict with Policy QE DM4 of the ALP.

## AIR QUALITY

Air quality is considered in the NPPF which seeks to ensure that new developments are appropriate for their location considering any likely effects of pollution on health, living conditions and the natural environment. Although the site and proposed development is not located in an Air Quality Management Area (AQMA), account needs to be taken of the fact that traffic generation from the proposed development could have an impact on the AQMA on the A259.

ALP Policy QE DM3 requires that major developments are in easy reach of established public transport services, maximise provision for cycling & pedestrian facilities, include electric car charging points and contribute towards the improvement of the highway network, reducing journeys by private car. The Policy also requires all major development to assess the likely impacts of the development on air quality and mitigate any negative impacts in respect of air pollution.

Chapter M of the ES which relates to Air Quality has taken account of the relationship between the site, the Air Quality Management Area (AQMA) on the A259 and the impacts of the proposed development on local air quality in terms of dust and particulate matter emissions during construction, as well as emissions from road traffic generated by the completed and occupied development. Consideration has been given to mitigation measures which have been evaluated and designed to accord with the air quality and emissions mitigation guidance for Sussex (Sussex-air Air Quality Partnership, 2020).

The Air Quality Assessment concludes that the proposed development is consistent with paragraph 198 of the NPPF, being appropriate for its location both in terms of its effects on the local air quality environment and the air quality conditions for future residents. The proposed development is also consistent with paragraph 199, as it will not affect compliance with relevant limit values or national objectives.

The development has also been designed to promote active travel networks such as pedestrian and cycle routes and sustainable travel by ensuring vehicular routes are suitable for use by buses.

The Environmental Health Officer has been consulted and raised no objection to the proposals and has agreed that the methodology, findings and calculations of the Air Quality Assessment are reliable. It is recommended that any future permission granted is in accordance with the Air Quality Consultants report, to include the built in emission mitigation measures detailed in section MS.15 of 'Air Quality Assessment: Land West of Bersted, Bogner Regis' (dated July 2022).

Measures for the control of dust during construction will be secured as part of the Construction Management Plan condition and as identified above conditions relating to electric vehicle charging points are also recommended as a polluting reducing measure.

Subject to the inclusion of the proposed conditions the development is deemed to accord with policy QE DM3 of the Arun Local Plan and the NPPF.

## NOISE AND VIBRATION

The NPPF under Para 187 and Policy QE DM1 (Noise Pollution) and D DM1 (Aspects of Form and Design) of the ALP set out the requirement for noise impacts to be assessed and appropriate mitigation to be defined as part of a Noise and Vibration Assessment.

An Environmental Noise Survey has been undertaken to determine the noise climate around the boundary of the proposed development, this is detailed in Chapter L of the Environmental Statement (ES). The assessment has looked at both noise arising from existing sources that have potential to affect the proposed development (site suitability) and noise arising from new sources due to the proposed development that have potential to affect existing sensitive receptors.

The draft construction and environmental management plan (CEMP) estimates that during the peak build out periods, in the region of 75 construction vehicles could be expected daily, equating to 150 overall trips. The proportional change in heavy goods vehicles (HGV) composition along major links is expected to increase by a maximum of 8% to 10% assuming a worse case where all HGVs will access either the northern or southern site entrances. These increases result in a minor impact on noise levels (below 3dB). However, during the operation of the development, the long-term effect from traffic noise is 'not significant'.

It is envisaged that the cumulative noise associated with the commercial elements of the proposals will be designed to meet the respective limits and, therefore, the effects are likely 'not significant'. Appropriate separation distances between the commercial development and residential receptors can be secured as part of any subsequent Reserved Matters Applications.

Chapter L of the ES sets out the mitigation and monitoring proposed for the development, noting all works will be undertaken using Best Practicable Means as defined in the Control of Pollution Act. Works are planned to only occur during the daytime hours, avoiding the potential to disturb residents during the most sensitive periods of the night. Mitigation measures will become bespoke once a contractor has

been appointed and Reserved Matters Applications have progressed. It is expected that, where necessary, each Reserved Matters Application will be accompanied by a detailed noise assessment for construction works (this could be secured by condition referring to each phase of the development).

Environmental Health have assessed the application and have raised no objection in relation to noise. However, it is recommended that any future permission granted is in accordance with Chapter L of the ES and Appendices 11-5. Conditions to control noise and vibration impacts as part of the CEMP have been proposed as well as restrictions on delivery times and construction hours. Subject to the inclusion of appropriately worded conditions the proposed development would comply with policies QE DM1 and D DM1 of the Arun Local Plan.

## LIGHTING

ALP policy QE DM2 states outdoor lighting should not have an adverse impact on neighbouring uses or the wider rural landscape, particularly in relation to the rural environs and ecology. It is also stated that schemes proposing outdoor lighting be accompanied by a Lighting Assessment. No assessment has been provided but it would be standard practice to impose a suitably worded condition to secure lighting details. Environmental Health have been consulted and have raised no objections. Therefore, subject to the imposition of a suitably worded condition the proposals would accord with policy QE DM2 of the Arun Local Plan.

## CLIMATE CHANGE

Policy ECC SP1 of the ALP identifies that development should be appropriately located and designed to adapt to impacts arising from climate change. Policy ECC SP2 requires that new residential and commercial 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 has submitted a sustainability statement which analyses the proposal against relevant development plan policies and the Arun Design Guide. It discusses water sustainability (discussed elsewhere), shade/cooling/ventilation/solar gain, access to green infrastructure, use of weather resilient materials and energy efficiency/renewable energy. In respect of the latter, it states:

- Solar panels to be added to 17% of roofs in the detailed area with further in the outline area.
- Homes built from 2025 will produce 75-80% less carbon emissions than developments under current regulations.
- Changes to the Building Regulations in the coming year (2022) are foreseen to produce 31% less carbon compared to the current regulations.
- Use of high spec glazing, thick external walls & recovery of heat through Mechanical Ventilation Heat Recovery.

Compliance of the proposed residential development with policy ECC SP2 can be secured through the imposition of a suitably worded pre-commencement condition requiring that 10% of the predicted energy requirements through renewable or low carbon energy generation on-site (after fabric first measures have been taken into consideration).

Retail, commercial, employment, leisure, education and health uses will also be required to accommodate the sustainable use of water and accommodation of renewable or low carbon energy. There would be a requirement to include provision of electric vehicle charge points throughout the development. Subject to the imposition of appropriately worded conditions the proposed application would be in accordance with relevant development plan policies.

## EDUCATION

The Local Plan site allocation policy requires the need to deliver a new primary school as part of the development. Discussions with WSCC have confirmed this should be a three-form entry Primary School with Nursery (Early Years) and Special Educational Needs places (SEND). The land use parameter plan indicates the intent to locate the primary school site (minimum site area of 3.03 hectares) in proximity of the southern local centre. This location would be along the spine road which runs through the Site providing good connectivity for walking, cycling and public transport.

The primary school (including Early Years and SEND provision) will be designed in collaboration and agreement with the WSCC Education Authority and will be the subject of a 'Reserved Matters' application. WSCC have confirmed they are satisfied with the overall provision and siting of the Primary School with SEND and Early Years Provision. WSCC have advised that the primary school capacity review has demonstrated an existing capacity within the Bognor Regis catchment area which would allow up to 1,000 dwellings to be occupied prior to the new primary school being open. The Primary School (including Early Years and SEND) provision will be secured through the S106 Agreement.

Secondary School needs (including sixth form) for the residential element of the development will be met by a new secondary school which is to be provided off-site. Financial contributions will be secured through the S106 Agreement, to support its delivery using the existing calculator.

There is currently insufficient secondary school capacity to accommodate the children generated by the proposed development within the Arun District. This will mean that until such time as the new secondary school is delivered children will need to be transported out of district to attend secondary school. Therefore, WSCC have requested that an additional financial contribution is secured towards the transport costs associated with this until such time as the new secondary school is operational.

This approach is supported and is indeed identified through the Department for Education document 'Securing developer contributions for education (August 2023) which under paragraph 41 states that "We advise local authorities with education responsibilities to work jointly with local planning authorities as plans are prepared and planning applications determined, to ensure that all education needs are properly addressed, including temporary education needs where relevant, such as temporary school expansion and any associated school transport costs before a permanent new school opens within a development site. This does not mean double funding the same school places but allows development to be acceptable in planning terms when it is not possible to open a permanent new school at the point of need."

A methodology was put forward by WSCC which seeks to address this and was initially agreed with ADC. However, through the determination of this application planning officers have raised concerns with the reasonableness of the methodology. This concern relates specifically to the duration for which financial contributions are sought. Due to the scale of the proposed development build out is anticipated to be approximately 12 years (assuming the delivery of 200 dwellings per annum), this would mean that applying the previously agreed methodology results in a financial contribution which would cover 28 years. It should be noted that WSCC have confirmed that the contribution would cease at the point the secondary school was delivered but it is the opinion of officers that it is unreasonable to take the approach that the secondary school will never be delivered.

The LPA consider that a reasonable worst-case scenario would be 10-years based on the following presumptions given that the Arun Local Plan review is currently at Regulation 18 (options and appraisal) stage:



- 4 years - Site identification and Local Plan preparation.
- 2 years - Compulsory purchase process to secure the site.
- 2 years - Obtain planning permission.
- 2 years - Build out.

Failure to deliver this vital infrastructure within the identified 10-year period would constitute a significant failure on behalf of the LPA and WSCC as Education Authority.

However, it should be noted that any children needing to attend a secondary school outside of Arun would remain in the same secondary school for the full duration of their secondary education. Therefore, to allow for this a final payment will be required upon delivery of the new secondary school or expiration of the 10-year period (which ever comes sooner) to cover the ongoing transport needs of these children.

The revision of the methodology pertains specifically to the duration for which it will be paid with all other elements reflecting that set out by WSCC including the transport cost per child and the predicted number of children generated by the development.

Officers have engaged with WSCC in relation to the revised secondary transport methodology, but no agreement has been reached. The Education Authority maintain that their methodology is necessary to ensure the County Council are not exposed to the risk of additional transport costs in the event the secondary school is not delivered. However, it is the view of the Local Planning Authority (LPA) that the methodology proposed is reasonable and will provide sufficient time to secure the delivery of the secondary school to meet the needs of the district. As the Local Planning Authority, we are not bound to follow consultation responses or request for infrastructure contributions. If there is a good reason why we have reached a different conclusion on any matter, then it is a legally sound position.

Subject to securing the contributions identified above through the S106 Agreement, the proposed development will adequately mitigate its impact upon education provision within the district. Review mechanisms within the S106 framework will allow for the claw back of education contributions if circumstances change, and the provision is no longer required, this will enable an increase in the provision of affordable housing.

## HEALTH PROVISION

The Environmental Statement (ES) includes (at Chapter G) a socio-economic assessment which considers the baseline conditions for the area surrounding the Site. The operational impact on health services is considered and identified as not-significant minor adverse. In response to this the application proposes to include flexible floorspace within the local centre (to the south of the site) which could accommodate a GP practice. NHS West Sussex Clinical Commissioning Group (CCG) has been consulted and confirmed that its preference is for a new facility on the site that could cater to the needs of the new residents.

The NHS has confirmed their preference is for the facility to be located on-site to provide a range of health care services for the new community. A minimum agreed floor area for the new health care facility to accommodate the range of services required is to be included within the S106. The option to request up to 300sqm additional floorspace to accommodate enhanced health care provision is also to be included within the S106, this flexibility will allow for organic growth of the facility. The NHS Property team will be given the opportunity to comment on and agree to the internal layout of the facility and it must be in accordance with General Build Notes and BREEAM Excellent standard. This approach and the mitigation identified is deemed appropriate to ensure that the impacts upon GP services arising from the development are adequately offset.

## SELF-BUILD & CUSTOM BUILD PROVISION

Arun Local Plan Policy H DM1 states 'the Council will encourage the development of self-build homes' on appropriately sized, serviced/or capable of being serviced sites, and that 'such sites can be provided either as part of a development scheme or on an individual basis'. Policy H SP2 which relates to strategic site allocations states that a key requirement is to (p) consider inclusion of an area of the sites for Self-Build and Custom-Build. In addition, Principle SDP 6 of the endorsed Masterplan states:

"Opportunities should be considered for inclusion of an area of the site for self-build and custom build homes and community led housing such as Community Land Trusts".

Based on the number of persons on the Council's Self-Build Housing Register, it is reasonable that this part of the strategic allocation would contribute 2% (approx. 44 units) as self-build / custom-build. This provision would need to be secured through a planning obligation in the S106 Agreement requiring the submission of a site plan denoting the location of the Self-Build plots and a Statement confirming how these will conform with the regulations. The S106 would also place a legal obligation to provide self-build/custom-build plots and to provide details of the marketing strategy and the duration for which the units should be marketed. Subject to the submission and agreement of a sales report setting out the steps and methods taken to advertise and sell the plots, after an agreed period, the plots would revert to private market dwellings. On this basis the proposals are deemed to accord with policies H DM1 and H SP2 of the ALP.

## LIBRARY PROVISION

WSCC have confirmed the requirement for a pro-rata contribution towards the provision of a new Tier 7 library on site. The financial contribution secured would be for fitting out of space to be provided on site which would include shelving, books and self-service facilities. A fall-back position has also been identified for contributions to be directed towards the nearest library should a Tier 7 facility not be delivered. It is envisaged that the Tier 7 facility will be provided as part of the sports hub as they are unmanned facilities required to be provided alongside other community facilities.

## FIRE AND RESCUE

Mitigation is required in the form of a financial contribution towards the expansion of fire and rescue capacity which could be built infrastructure (such as hydrant provision) or investment in new technology/equipment to help meet the needs of the development. WSCC Fire and Rescue has recommended a condition be imposed regarding the siting and provision of hydrants.

## POLICE SERVICES

Mitigation is required in the form of financial contributions to secure additional resourcing for policing arising from the new development. This includes recruitment and training additional Officers and Support Staff, facilities and an additional vehicle for the Neighbourhood Police Team. Financial contributions towards these elements will be secured through the S106 Agreement.

## ENVIRONMENTAL STATEMENT

Given the size of the Site and the quantum of development proposed, the development constitutes Environmental Impact Assessment (EIA) development as defined within Schedule 2 of the EIA Regulations. Specifically, part 10 (b) 'Urban Development Projects' threshold.

In accordance with Regulation 15 of the EIA Regulations, a Scoping Opinion was requested from ADC

on 31st August 2020 and the Scoping Opinion was issued by Arun District Council on 15 October 2020.

The Application was accompanied by an Environmental Statement (ES) that reported the likely significant environmental effects of the proposed development and identifies mitigation measures where required. A suite of application reports and plans have been submitted to accompany the Application, together with the ES.

Significant assessment work has been undertaken by the Applicant's team to build environmental improvements and mitigation into the design of the proposed development and reduce adverse effects as far as is possible. The ES concludes that there are unlikely to be 'significant residual adverse environmental effects' because of the proposed development. 'Embedded' mitigation measures are proposed within the parameter plans and further mitigation measures will be secured as part of the planning application, either by condition or via the S106 Agreement.

The applicant submitted an Addendum to the ES in early October 2023, this took account of proposed updates following several comments raised by consultees and the 30-day consultation process was followed.

Officers, having considered consultation comments in relation to the various chapters of the ES and the subsequent Addendum, are satisfied that the ES demonstrates that all mitigation required to appropriately address likely significant environmental effects of the development can be secured to an acceptable level.

Additional technical and environmental assessments will be undertaken to support the detailed designs, which will be the subject of future Reserved Matters planning applications. This will ensure that the environmental effects of the proposed development will remain consistent with, or improve upon, those identified within the ES.

## SUMMARY

As identified under paragraph 11(c) of the NPPF, development proposals that accord with an up-to-date development plan should be approved without delay. In this case the proposed site is allocated for residential development under policy H SP2a (SD3). Therefore, subject to the developments accordance with the site allocation policy and relevant development plan policies the application should be approved.

This report concludes that the principle of the development is accepted, and significant benefits would arise in terms of the new housing, care home, employment, and social and physical infrastructure to be provided on the site. In relation to heritage, it was concluded above that the development would result in less than substantial harm which when balanced against the public benefits would be acceptable. Given this site is designated within the Local Plan as a strategic housing allocation, the loss of this agricultural land for residential purposes is acceptable in principle and permissible in accordance with policy SO DM1.

Highway impacts are considered acceptable in both the construction and operational phases, subject to the phased implementation of the identified off-site mitigation measures secured via the S106 and works controlled by condition. The new access points to the site and the phasing of the new link road are considered acceptable, no impacts have been identified, the phasing of its delivery is to be controlled by condition.

The Design Principles document and Illustrative Masterplan accord with the guidance set out within the site allocation policy within the ALP and Framework Masterplan. The overall layout and design principles will be referenced within the design code condition to guide subsequent Reserved Matters Applications

and ensure the design intent for the Site is delivered. It is not appropriate to consider other matters which relate to layout, scale, design or landscape until reserved matters stage. The landscape strategy provides areas of continuous uninterrupted open space of approximately 25 hectares (approximately 40% of the site area) distributed across several character areas. It is noted that the South Park and Green Fingers Character Areas are intended to reflect the former RAF 'Advanced Landing Ground' runways'. A varied and changing parkland landscape incorporating passive and active play, leisure, recreational, educational and ecological benefits is to be delivered in accordance with ALP policy OSR DM1 and HWB SP1.

In relation to social infrastructure, significant benefits will arise from the provision of a new healthcare facility to be provided within the local centre on the site, with potential capacity for further expansion, which is supported by NHS Estates. Appropriate education mitigation measures are to be provided in the form of a three-form primary school on site with early years and send provision, and a contribution to new secondary and sixth form provision. An appropriate financial contribution has also been secured towards interim secondary education transport. The package of school mitigation will be secured through the S106 Agreement.

No harm in respect of flood, drainage, ground contamination, air quality, noise and vibration, lighting, trees and hedgerows, ecology, habitats, biodiversity or climate change has been identified. An updated biodiversity net gain calculation, Table 1 of ES Addendum, was prepared using the Biodiversity Metric 4.0 which indicates a moderate net gain of 11.33% for habitats and a -2.95% loss for hedgerows. The updated BNG calculation has found the net loss in hedgerow units to be less than previously reported in the ES (September 2022), which was -14.96%. To compensate for the lost hedgerows and ensure a new gain is achieved, a minimum of 7.33km of additional native hedgerows will be secured through condition.

The proposals would not meet the 30% affordable housing provision requirement and tenure mix as set out in policy AH SP2 of the Arun Local Plan or policy HDQ4 of the Bersted Neighbourhood Plan. However, the independent assessment of the FVA by Carter Jonas has confirmed that due to high construction costs, current residential values, low affordable housing receipts, borrowing costs and the S106 contributions request the scheme can only deliver 10% affordable housing with a 50/50 social rent and shared ownership tenure mix. Whilst the affordable housing offer is below the policy requirements in terms of both provision and tenure mix the policy allows for deviation provided this is justified in terms of the scheme viability and delivery. The 10% affordable housing offer would, therefore, accord with policy AH SP2 of the Arun Local Plan. A review mechanism will be included within the S106 to ensure that additional testing of the FVA is undertaken during development to ensure that if any uplift in affordable housing can be achieved it will be negotiated in the later phases of the scheme delivery. Similarly, any S106 contributions, which are subsequently identified as not required would revert to allow for a higher percentage of affordable housing provision.

Therefore, this Outline Planning Application is recommended for approval subject to the below conditions and completion of the S106 agreement. The S106 Heads of Terms will be distributed prior to the Planning Committee.

## RECOMMENDATION

That Planning Committee delegate to the Group Head of Planning in consultation with the Chair and Vice Chair of Planning Committee authority to:

- a) Grant Planning permission subject to conditions; and
- b) Subject to a Section 106 Agreement, the terms of which are substantially in accordance with those set out in this report and the Heads of Terms document with authority for any minor amendments to be authorised by the Group Head of Planning.

## HUMAN RIGHTS ACT

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

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

## DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

## SECTION 106 DETAILS

Financial contributions and infrastructure delivery will be necessary to make the development acceptable in planning terms and these will be secured through a S106 agreement. A full summary of the S106 requirements will be included within the Heads of Terms which will be distributed prior to Planning Committee.

## RECOMMENDATION

APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT

- 1 This permission hereby granted is an outline permission under s92 of the Town and Country Planning Act 1990 (as amended) and an application for the approval of the Local Planning Authority to the following matters of layout, scale, appearance and landscaping ('the reserved matters') for each phase in accordance with a revised Phasing Plan to be agreed under Condition 4 shall be submitted to the Local Planning Authority before any development in that phase begins and the development shall be carried out in accordance with the approved plans.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act, 1990 (as amended).

- 2 An application for approval of the reserved matters for the first phase shall be made to the Local Planning Authority not later than four years from the date of this permission and that phase shall begin before the expiration of three years from the date of the first reserved matters approval for that phase. Applications for reserved matters for the remaining phases

shall be made within fifteen years from the date of this outline permission and begun before the expiration of three years from the date of the approval of each subsequently approved phase.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act, 1990 (as amended).

3 (A) The planning permission relates to the following approved plans:

- Site Location Plan -18723-SBR-ZZ-XX-DR-A-801134 Rev P2 date received 7 November 2022.
- Demolition Site Plan - 18723-SBR-ZZ-XX-DR-A-80115 Rev P2 date received 7 November 2022.
- Chalcraft Lane Traffic Calming Measures - A13395-SK004 Rev P06 date received date received 9 October 2023.
- A259 Elbridge Avenue B2259 & Dual Carriageway Link Junction 5a - A13395-WB-J5-100 Rev P09 date received date received 9 October 2023.
- A259 Elbridge Avenue B2259 & Dual Carriageway Link Junction 5a - Design Audit A13395-WB-J5-101 Rev P08 date received 9 October 2023.
- Max Legal Length 9UK) Articulated Vehicle (16.5) Swept Path A133395-WB-J5-102 Rev P08 date received 9 October 2023.
- A259 Elbridge Avenue B2259 Existing Roundabout Junction 5a - A13395-WB-J5-103 Rev P02 date received 9 October 2023.
- Chalcraft Lane / Lower Bognor Road Junction 9a with Spine Road Chalcraft Lane Priority Junction - A13395-WB-J9-100 Rev P09 date received 9 October 2023.
- Chalcraft Lane / Lower Bognor Road Junction 9a - Design Audit - A13395-WB-J9-101 Rev P07 date received 9 October 2023.
- Max Legal Length (UK) Articulated Vehicle (16.5m) Swept Path - A13395-WB-J9-102 Rev P06 date received 9 October 2023.
- Chalcraft Lane / Lower Bognor Road Existing Roundabout (J9) - A13395-WB-J9-103 Rev P02 date received 9 October 2023.
- A259 Northern Site Access & Dual Carriageway Link Junction 12 - A13395-WB-J12-100 Rev P07 date received 9 October 2023.
- A259 Northern Site Access & Dual Carriageway Link Junction 12 - Design Audit -A13395-WB-J12-101 Rev P07 date received 9 October 2023.
- Max Legal Length (UK) Articulated Vehicle (16.5m) Swept Path - A13395-WB-J12-102 Rev P06 date received 9 October 2023.
- Realigned B2166 / Spine Road Junction 12 with Spine Road - A13395-WB-J13-100 Rev P09 date received 9 October 2023.
- Realigned B2166 / Spine Road Junction 13 with Spine Road - Design Audit A13395-WB-J13-101 Rev P07 date received 9 October 2023.
- Realigned B2166 / Spine Road J13 Max Legal Length (UK) Articulated Vehicle (16.5m) Swept Path - A13395-WB-J13-102 Rev P07 date received 9 October 2023.

The development shall be carried out in accordance with the approved plans. No material variation from these plans shall take place unless otherwise first agreed in writing with the Local Planning Authority.

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

(B) The development (including all reserved matters and other matters submitted for approval

pursuant to the conditions attached to this permission) shall be substantially in accordance with the following Parameter Plans.

- Parameter Plan 1. Land Use - 18723-SBR-ZZ-XX-DR-A-80101 Rev P3 date received 11 August 2023.
- Parameter Plan 2. Building Heights - 18723-SBR-ZZ-XX-DR-A-80102 Rev P3 date received 4 November 2022.
- Parameter Plan 3. Landscape and Green Infrastructure - 18723-SBR-ZZ-XX-DR-A-80103 Rev P3 date received 4 November 2022.
- Parameter Plan 4. Access and Movement - 18723-SBR-ZZ-XX-DR-A-80104 Rev P5 date received 17 July 2023.
- Parameter Plan 5. Neighbourhood and Character Areas - 18723-SBR-ZZ-XX-DR-A-80105 Rev P3 date received 7 November 2022.
- Restricted Zone Parameter Plan - 18723-SBR-ZZ-XX-DR-A-80112 Rev P1 dated received 11 August 2023.

Reason: For the avoidance of doubt and in the interest of visual, rural and residential amenity and the character / appearance of the surrounding area in accordance with Policies D DM1 and QE SP1 of the Arun Local Plan.

- 4 Notwithstanding the submitted Indicative Phasing Plan, no development shall commence (other than agreed enabling works) until a detailed scheme of phasing for the implementation of the development including the site accesses, internal accesses, the provision of the north-south Spine Road and vehicular connection into the Nursery Fields site (approved under reference BE/1/23/RES), and public areas has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a schedule identifying the anticipated order for the commencement and completion of each phase of construction. Thereafter, the development shall be implemented in accordance with the approved Phasing Plan (or any updated Phasing Plan submitted to and approved by the Local Planning Authority).

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. It is considered necessary for this to be a pre-commencement condition because the phasing of the development needs to be satisfactory before work commences.

- 5 Prior to first occupation or completion, whichever is the sooner, of any agreed phase of development, the vehicular and pedestrian access to that phase of the site from the existing road, shall be constructed in general accordance with approved plans referred to in Condition 3 and subject to the Highway Authority's technical and safety requirements. Once provided the access and visibility splays shall be permanently maintained to the satisfaction of the Local Planning Authority.

Reason: The above condition is required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users, in accordance with Section 4 'Promoting Sustainable Transport' in the National Planning Policy Framework and Policies T SP1 and TDM1.

- 6 The layout, scale, appearance and landscaping details referred to in Condition 1 shall include details of any temporary sales areas that may be required during the construction and marketing of the development or relevant phase (as applicable). Such details shall include any temporary buildings or temporary changes to buildings and any temporary change to the development layout. The approved details shall be for a temporary period only ending on or before the date that the last dwelling on the site or relevant phase (as applicable) has been sold. The buildings or area shall be returned to their approved permanent appearance within 3

months of the date of the last dwelling on the site or relevant phase (as applicable) being sold.

Reason: In the interest of visual and residential amenity and the character/appearance of the surrounding area in accordance with Policies D DM1 and QE SP1 of the Arun Local Plan.

- 7 The development (including all reserved matters) shall accord with the exclusions and restrictions associated with the gas pipeline to the north of the site, as set out in the Health & Safety Executive's letter dated 30 August 2023 and Scotia Gas Networks response dated 13 March 2024. The gas pipeline restriction zone is shown in the Illustrative Masterplan and Parameter Plan Restricted Zone 18723-SBR-ZZ-XX- DR-A-80112 rev P1 dated 02/08/2023.

Reason: For the avoidance of doubt and to protect the environment and prevent harm to human health in accordance with policy QE SP1 of the Arun Local Plan.

- 8 Prior to the approval of any reserved matters applications a Design Code Masterplan shall be submitted to and approved in writing by the Local Planning Authority. This document shall demonstrate how the detailed proposals will reflect the main objectives of the:

- The Illustrative Masterplan, 18723-SBR-ZZ-XX-DR-A-80013 Rev P2 dated 4 November 2022..
- Illustrative Masterplan Highway Layout - A13395-WB-MP-100 Rev P07 date received 9 October 2023.
- Parameter Plan 1. Land Use - 18723-SBR-ZZ-XX-DR-A-80101 Rev P3 date received 11 August 2023.
- Parameter Plan 2. Building Heights - 18723-SBR-ZZ-XX-DR-A-80102 Rev P3 date received 4 November 2022.
- Parameter Plan 3. Landscape and Green Infrastructure - 18723-SBR-ZZ-XX-DR-A-80103 Rev P3 date received 7 November 2022.
- Parameter Plan 4. Access and Movement - 18723-SBR-ZZ-XX-DR-A-80104 Rev P5 date received 17 July 2023.
- Parameter Plan 5. Neighbourhood and Character Areas - 18723-SBR-ZZ-XX-DR-A-80105 Rev P3 date received 7 November 2022.
- Restricted Zone Parameter Plan - 18723-SBR-ZZ-XX-DR-A-80112 Rev P1 dated received 11 August 2023.
- Design Principles Report June 2023.

The Design Code Masterplan will provide further details on matters such as character areas, street hierarchy, building typologies, key buildings, the approach to car parking, structural planting, street furniture, lighting and treatment of the public realm. The subsequent reserved matters applications shall be carried out in accordance with the approved design code.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve buildings of visual quality in accordance with Policy D DM1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because the design of the scheme goes to the heart of the planning permission.

- 9 The landscaping and layout particulars of each Phase to be agreed under Condition 4 shall be submitted in accordance with Conditions 1 and 2 and having regard to the CMP (Condition 16), CEMP / LEMP (Condition 43), shall include:

- Details of all existing trees and hedgerows on the land, showing which are to be retained and which removed.
- Details of the positions, height, design, materials and type of boundary treatment to be



provided.

- Details of any proposed alterations in existing ground levels, and of the position of any proposed excavation, within the crown spread of any retained tree.
- The detailed landscape design for the Phase including the layout and design of the public realm within the Phase.
- Details of the surface, lighting and signage of all footpaths, cycle routes and a phasing plan for their provision.

No hedge or tree shall be felled, uprooted or otherwise removed before, during or after the construction period except where removal is indicated on a plan approved by the Local Planning Authority.

Reason: In the interests of amenity and of the environment of the development in accordance with Policy ENV DM4 of the Arun Local Plan.

- 10 Landscaping (hard and soft) shall be carried out in accordance with the approved details of each phase to be submitted. All planting, seeding or turfing comprised in the approved details shall be carried out in the first planting and seeding seasons following the first occupation and/or use of each agreed phase or sub-phase of the development hereby permitted or the completion of the development within that phase, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the phase die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with other of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and of the environment of the development in accordance with Policy D DM1 of the Arun Local Plan.

- 11 Prior to the commencement of development of any phase, an updated Arboricultural Method Statement (AMS) and an updated Tree Protection Plan for that phase, including individual trees and groups of trees subject to Tree Preservation Order TPO/BE/3/20 shall be submitted for approval in writing by the Local Planning Authority, to both describe and illustrate the mitigation measures which are to be employed to ensure that the trees survive without detriment to their vigour and vitality and are given adequate protection both above and below ground in accordance with the detailed layout plans. The approved mitigation measures shall be implemented and shall thereafter be maintained during the construction of the relevant phase.

Reason: In the interests of amenity and of the environment of the development in accordance with Policies D DM1 and ENV DM4 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because of the need to ensure that trees are protected during the construction of the development hereby approved.

- 12 No trenches, cable or pipe runs for services and drains shall be cut or laid within the root protection area of any retained tree as calculated in accordance with Table 2 of BS5837 (2012) or, if this information is absent, within a distance of 15m from the bole of any existing tree to be retained on this or adjoining sites.

Reason: To protect tree roots from damage likely to lead to the loss of the tree in the interests of the visual amenities of the locality in accordance with policy ENV DM4 of the Arun Local Plan.

- 13 The development hereby approved shall not exceed the maximum Gross Internal Floor Areas (GIA) for the respective uses as defined by the Town and Country Planning (Use Classes) Order 1987 as in force at the date of this permission, as set out below:

- Up to 2,200 residential units within Use Class C3.
- Up to 2 care homes or other senior living facilities within Use Class C2/C3 of up to 65 bedrooms in total.
- Up to 3,530sqm Gross Internal Floor Area (GIA) within Use Class C1 Hotel.
- Employment floorspace of up to 15,000 sqm Gross Internal Floor Area (GIA) within Use Class B2 and/or B8 and/or E(c) and/or E(g), with up to a maximum 7,200sqm Gross Internal Floor Area (GIA) within Use Class E(c) and/or E(g) (referred to as the Employment Development).
- Retail and community floorspace of up to 3,000sqm Gross Internal Floor Area (GIA) within Use Class E and/or F2 and/or public houses, wine bars or drinking establishments (with or without expanded food provision) of which up to 1,800sqm Gross Internal Floor Area (GIA) may be retail, service and food/beverage.
- A primary school of up to three form entry, early years (nursery) facilities and Special Educational Needs Facilities (SEND) provision (Use Class F1(a)).
- Open space, landscaping, drainage and other associated infrastructure and ancillary work.

Reason: To prevent any severe or unacceptable impact from the development on the A27 Trunk Road in accordance with paragraph 111 National Planning Policy Framework (July 2021) and paragraph 40 DfT Circular 01/2022.

- 14 No part of the development shall be occupied or used until a revised Framework Travel Plan has been submitted to and approved in writing by the Local Planning Authority (who shall consult with National Highways and West Sussex County Council Highways). The Travel Plan shall include arrangements for monitoring, review, amendment and effective enforcement.

For the business uses, all businesses occupying any part of the development shall be responsible individually and severally for the monitoring, review, amendment, and effective enforcement of the approved Travel Plan.

The Framework Travel Plan's for the entire development shall be implemented as approved.

Reason: To minimise traffic generated by the development and to ensure that the A27 Trunk Road continue to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980.

- 15 Notwithstanding the phasing plan to be submitted and approved under Condition 4, no development shall commence on site on any phase or use, including any works of demolition, site clearance or preparation, until details of a Construction Management Plan for that phase has been submitted to and approved in writing by the Local Planning Authority in consultation with National Highways and West Sussex County Council as the Highway Authority. Thereafter the approved Construction Management Plan/s shall be implemented and adhered to throughout the entire construction period. The Construction Management Plan/s shall provide details as appropriate but not necessarily be restricted to the following matters:

- An indicative programme for carrying out of the works;
- Details of the arrangements for public engagement / consultation both prior to and during the construction works;
- Measures to minimise the impact of noise (including vibration) generated by the construction process on nearby sensitive receptors - to include hours of work, proposed method of piling for foundations and the careful selection of plant and machinery and use of noise mitigation barrier(s);
- Details of any floodlighting to be used during construction, including location, height, type

and direction of light sources and intensity of illumination;

- The anticipated number, frequency and types of vehicles used during construction;
- Method of access and routing of vehicles during construction;
- Parking of vehicles by site operatives and visitors;
- Loading and unloading of plant, materials and waste;
- Storage of plant and materials used in construction of the development;
- Erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- 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);
- Measures to control the emission of dust and dirt during construction, in accordance with the IAQM guidance document 'Assessment of dust from demolition and construction, 2014'; and
- A scheme for recycling/disposing of waste resulting from construction works i.e. no burning permitted.

Reason: In the interests of highway safety on national and local roads, to ensure that the A27 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and the amenities of the area in accordance with policy T SP1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because the construction activities need to be approved and implemented before development is commenced.

- 16 No dwelling or use forming part of the relevant phase (as approved via Condition 4) shall be occupied until the A259 / Elbridge Avenue / B2259 / Northern Site Access Junction (Junction 5a) and the A259 / Northern Site Access Junction (Junction 12) has been completed. Following completion of the second northern site access junction, the A259 Dual Carriageway Link between the two junctions shall be completed in accordance with the approved plans listed in Condition 3.

Reason: To protect the amenity of local residents in accordance with Policy QE DM 1 of the Arun Local Plan.

- 17 No dwelling or use forming part of the relevant phase (as approved via Condition 4) shall be occupied until either the B2166 Lower Bognor Road / Southern Site Access Junction (Junction 13) or the Chalcraft Lane / Southern Site Access Priority Junction has been completed. Before completion of the 500th dwelling the Lower Bognor Road / Southern Site Access Junction (Junction 13), the scheme to improve the B2166 Lower Bognor Road / Chalcraft Lane / Hewarts Lane Junction (Junction 9) and the realigned Lower Bognor Road / spine road link between the two junctions shall be completed in accordance with the approved plans.

Reason: To protect the amenity of local residents in accordance with Policy QE DM1, T SP1, T DM1 of the Arun Local Plan.

- 18 The layout, scale, and appearance details to be submitted pursuant to condition 1 shall include the following items:

1. A scheme for the provision of facilities to enable the charging of electric vehicles in accordance with the Arun Parking Standards SPD to serve the approved dwellings. The individual charge points shall be in accordance with the technical requirements set out in Part S, section 6.2 of the Building Regulations applicable at the time (or any subsequent guidance). The electric vehicle charge points shall thereafter be retained and maintained in good working condition.

2. 5% of all parking provided as suitable for disabled persons. This must include a percentage of the proposed visitor parking spaces.

3. Full details of cycle storage including elevations where provided in separate buildings; and

4. A colour schedule of the materials and finishes to be used for the external walls and roofs of the proposed buildings.

Reasons: In the interests of visual amenity, road safety, the needs of the disabled, to mitigate against any potential adverse impact of the development on local air quality and as new petrol, diesel and hybrid cars/vans will not be sold beyond 2030 all in accordance with policies T SP1, D DM1, QE SP1, QE DM3 of the Arun Local Plan, the Arun Parking Standards SPD and the NPPF.

19 No dwelling or use shall be first occupied or used until a scheme of cycle improvements at the B2166 Lower Bognor Road Roundabout including a timetable for implementation have been submitted to and approved in writing by the Local Planning Authority .

Reason: To provide enhanced cycle provision and encourage the use of cycling in accordance with Policy QE DM1, T SP1 and T DM1 of the Arun Local Plan.

20 No more than 225 dwellings shall be occupied which are accessed from the southern accesses (Junctions 9a and 13) ; and no more than 338 dwellings shall be occupied which are accessed from the northern accesses (Junctions 5a and 12) until such time as the spine road has been constructed and is open to the through traffic.

Reason: To secure the provision and delivery of the spine road in accordance with Policy QE DM1, T SP1, T DM1 of the Arun Local Plan.

21 No dwelling or use shall be first occupied until plans and details and a timetable for implementation of pedestrian accessibility improvements within the public highway comprising the provision of tactile paving and or dropped kerbs have been submitted and agreed in writing with the Local Planning Authority. The improvements shall thereafter be implemented in accordance with the agreed timetable. For clarity, the following locations shall be improved through agreement with the Local Planning Authority in liaison with West Sussex County Council as the Highway Authority:

- Westminster Drive between Truro Crescent and Ripon Gardens.
- West Meads Drive at junction with Chalcraft Lane.
- Frandor Road at junction with West Meads Drive.
- Pevensey Road at junction with Amberley Drive.
- Brook Close at junction with Amberley Drive.
- Lewes Close at junction with Amberley Drive.
- Bramber Close at junction with Amberley Drive.
- B2166 / Aldwick Road roundabout, Hawthorn Road arm (x2).
- Richmond Avenue West at junction with Aldwick Road.
- Charwood Street at junction with Aldwick Road.
- Argyle Circus near junction with Ockley Road.
- Central Drive at junction with Chalcraft Lane.
- Bedford Avenue at junction with Chichester Road.
- Lower Bognor Road roundabout on Chalcraft Lane arm.
- Chalcraft Lane parallel to Balliol Close.

Reason: To provide safe and suitable access for pedestrians to the development in

accordance with policy T DM1 of the Arun Local Plan.

- 22 No demolition/construction activities shall take place other than from 08:00 hours until 18:00 hours (Monday to Friday) and from 08:00 hours until 13:00 hours (Saturday) with no work on Sundays or Bank/Public Holidays.

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

- 23 Noise emitted from plant and equipment located at the site shall be controlled such that the rating level, calculated in accordance with BS4142 2014, does not exceed a level of 5dB below the existing background level, with no tonal element to the plant.

Reason: To protect the amenity of local residents in accordance with Policy QE DM 1 of the Arun Local Plan.

- 24 Prior to the commencement of each of the respective phase/s of the development approved under Condition 4, a scheme relating to that phase/s to demonstrate that the internal noise levels within the residential units, senior living homes, and hotel bedrooms will conform to the 'Indoor ambient noise levels for dwellings' guideline values specified within Table 4 under section 7.7.2 of BS 8233:2014, or similar, shall be prepared by a competent acoustician on sound insulation and noise reduction for buildings and shall be submitted to and approved in writing by the Local Planning Authority. The scheme should take into account the correct number of air changes required for noise-affected rooms. The works specified in the approved scheme for residential units, senior living homes, and hotel bedrooms shall then be carried out in accordance with the approved details prior to occupation of the premises and be retained thereafter.

Reason: To protect the amenity of local residents in accordance with Policy QE DM 1 of the Arun Local Plan. This is required to be a pre-commencement condition because these details have to be agreed and in place before development commences.

- 25 Prior to the commencement of any phase of the development approved under Condition 4 containing residential units, a scheme to demonstrate that the external noise levels within the curtilage of residential units within that phase will conform to the 'Design criteria for external noise' guideline value of 50 dB LAeq,T as specified within section 7.7.3.2 of BS 8233:2014 shall be submitted to and approved in writing by the Local Planning Authority. The work specified in the approved scheme for a premises shall then be carried out in accordance with the approved details prior to occupation of the premises and be retained thereafter.

Reason: To protect the amenity of local residents in accordance with Policy QE DM 1 of the Arun Local Plan. This is required to be a pre-commencement condition because these details have to be agreed and in place before any work commences.

- 26 a) Prior to the commencement of a phase of the development approved under Condition 4 containing Use Classes B2 and/or B8 employment floor space, an impact assessment of the noise from each of the proposed Use Class B2 and/or B8 developments on nearby residential properties shall be completed and submitted in writing to the Local Planning Authority.

b) Each impact assessment shall include noise from deliveries and operation of the development and shall include a noise mitigation scheme. The assessment shall have regard to the principles of BS 4142:2014 and achieve a difference between the measured rating level and the measured background level of at least 5dB(A). A test to demonstrate compliance with the noise mitigation scheme shall then be undertaken by a competent acoustician/consultant before the use commences, and the results of the compliance testing shall be submitted to the

Local Planning Authority.

Reason: To protect the amenity of local residents in accordance with Policy QE OM 1 of the Arun Local Plan. This is required to be a pre-commencement condition because these details have to be agreed and in place before construction work commences.

- 27 The development hereby approved shall be carried out in accordance with the 'Air Quality Assessment: Land West of Bersted, Bogner Regis' (dated July 2022 prepared by Air Quality Consultants) to include the built in emission mitigation measures detailed in section MS.15. Construction Dust Mitigation.

Reason: To protect the amenity of local residents in accordance with Policy QE SP1, QE DM3 of the Arun Local Plan.

- 28 Prior to the commencement of each phase of the development, excluding site preparation works, 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 that phase shall each be submitted to and approved in writing by the Local Planning Authority:

a) A Site Investigation Scheme for that phase, based on the Pell Frischmann Phase 1 Preliminary Risk Assessment to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

b) Based on the Site Investigation Scheme and the detailed risk assessment, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken including any phasing of such measures.

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

Any approved remediation strategy shall be complied with and, following completion of the measures contained in such strategy, the required verification plan shall be submitted to the Local Planning Authority.

Any changes to these components, require the express written consent of the Local Planning Authority.

Reason: To protect the amenity of local residents in accordance with Policy QE DM4 of the Arun Local Plan. This is required to be a pre-commencement condition because these details have to be agreed and in place before any work commences.

- 29 Following the completion of groundworks and prior to occupation of a phase or relevant part, a Verification Report for that phase or relevant part 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 if applicable 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 report, and for the reporting of this in writing to the Local Planning Authority.

Reason: To protect the amenity of local residents in accordance with Policy QE DM4 of the Arun Local Plan.

- 30 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 within the relevant part of site (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 any phase of the development, a statement to this effect relating to that phase must be submitted in writing to the Local Planning Authority.

Reason: To protect the amenity of local residents in accordance with Policy QE DM4 of the Arun Local Plan.

- 31 No development on any phase shall commence until the applicant has secured the implementation of a programme of archaeological work for that phase as approved under Condition 4 in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority.

Reason: The site is of archaeological significance in accordance with Arun Local Plan Policy HER DM6. This is required to be a pre-commencement condition because these details have to be agreed and in place before any work commences.

- 32 a) Prior to the commencement of any phase of the development, details showing the proposed location of the required fire hydrants within that phase shall be submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service. These approvals shall not be unreasonably withheld or delayed.

b) Prior to the first occupation of any dwelling/unit forming part of the proposed development the approved fire hydrants relating to that dwelling or unit shall be installed in the approved location to BS 750 standards or stored water supply and their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting shall be arranged.

The fire hydrants shall be sited so that all residential units and school uses on the proposed site are within 150 metres of a fire hydrant for the supply of water for firefighting and all commercial properties are within 90 metres of a fire hydrant.

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

Reason: In the interests of amenity and in accordance with policy INF SP1 and T SP1 of the Arun Local Plan 2011-2031 and in accordance with The Fire & Rescue Service Act 2004.

- 33 Prior to or in conjunction with the submission of each Reserved Matters application for the development hereby permitted, details of a scheme for the disposal of surface water by means of a sustainable drainage system shall be submitted to and approved in writing by the Local

Planning Authority. The submitted details shall:

- i. Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharge from the site via a proposed Sustainable drainage system which utilises source control features prior to site control features and the measures taken to prevent pollution of the receiving surface waters.
- ii. Demonstrate that the proposed surface water drainage system does not surcharge in the 1 in 1 critical storm duration, flood in the 1 in 30 plus climate change critical storm duration or the 1 in 100 critical storm duration,
- iii. Demonstrate that any flooding that occurs when taking into account climate change for the 1 in 100 critical storm event in accordance with NPPF does not leave the site uncontrolled via overland flow routes, and does not impact any of the proposed built development
- iv. Include an Exceedance Plan for any storm event that exceeds the design standards of the surface water drainage SuDS system to ensure no built development is impacted.

Reason: To ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF; Arun Local Plan Policies W SP1, W DM1, W DM2 and W DM3. This is required to be a pre-commencement condition because these details have to be agreed and in place before any work commences.

- 34 Prior to the commencement of development of any agreed phase as approved under Condition 4, for the development approved, excluding enabling works (as defined), construction drawings of the surface water drainage network, associated sustainable drainage components, flow control mechanisms and a construction method statement for that phase shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall then be constructed in accordance with the approved drawings, method statement and appropriate drainage calculations prior to the first occupation / use of the relevant phase or in accordance with any such phasing provision as may be agreed. No alteration to the approved drainage scheme shall occur without prior written approval of the Local Planning Authority.

Reason: To ensure that the development achieves a high standard of sustainability and ensure that flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF. This is required to be a pre-commencement condition because these details have to be agreed and in place before any work commences.

- 35 Prior to the commencement of development of any agreed phase as approved under Condition 4, details and a method statement of measures indicating how additional surface water run-off from the phase will be avoided during the construction works for that phase have been submitted to and approved in writing by the Local Planning Authority. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. This should include the maintenance proposals during construction. The site works and construction phases shall thereafter be carried out in accordance with the approved method statement and the approved measures shall be brought into operation before any works to create buildings or hard surfaces commence for the relevant phase.

Reason: To ensure that the development achieves a high standard of sustainability and ensure that flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF. This is required to be a pre-commencement condition because these details have to be agreed and in place before any work commences.

- 36 Prior to first occupation / use of each phase of the development a detailed surface water drainage verification report for that phase, (appended with substantiating evidence demonstrating the approved construction details and specifications have been implemented in accordance with the surface water drainage scheme), shall be submitted to and approved (in



writing) by the Local Planning Authority. The verification report shall include photographs of excavations and soil profiles/horizons, any installation of any surface water structure and Control mechanism.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed and not increased in accordance with NPPF.

- 37 Prior to the first occupation or completion, whichever is the sooner, of any building within a phase details for the long-term maintenance arrangements for the surface water drainage system (including all SuDS features) within that phase shall be submitted to and approved in writing by the Local Planning Authority. The submitted details should identify runoff sub-catchments, SuDS components, control structures, flow routes and outfalls. In addition, the plan must clarify the access that is required to each surface water management component for maintenance purposes. The maintenance plan shall be carried out in full following completion of the relevant drainage system for the phase.

Reason: To ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF.

- 38 All development shall be constructed in accordance with the submitted and approved Flood Risk Assessment Revision: S2- P04 (dated March 2023). 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.

- 39 No development shall commence on a phase until details of the proposed means of the foul water disposal system for that phase have been submitted to and approved in writing by the Local Planning Authority. Such measures shall ensure that all sewage from the site is directed to the Ford Wastewater Treatment Works, unless otherwise agreed by Southern Water. No building or dwelling hereby approved shall be used or occupied until works for the disposal of sewage from that building or dwelling have been fully implemented in accordance with the approved details.

Reason: To ensure that the proposed development has a satisfactory means of disposing of foul sewerage in accordance with policies W DM1 and W DM3 of the Arun Local Plan.

- 40 No discharge of foul sewage from any phase of the site shall be discharged into the public system, where capacity does not exist for that phase, until offsite drainage works to provide sufficient capacity within the foul network to cope with additional sewage flows from that phase are complete. Works to include the provision of a temporary pumping station to serve phase 1. The details of which including location and maintenance, shall be submitted to and approved by the local planning authority and implemented in accordance with the approved details. The approved temporary pumping station shall be retained until such time that the public network has been provided.

Reason: To ensure that the proposed development has a satisfactory means of disposing of foul sewerage in accordance with policies W DM1 and W DM3 of the Arun Local Plan.

- 41 No development shall commence until an Employment and Skills Plan to identify opportunities to improve local employment and training in the construction of the development has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall thereafter be implemented for the duration of the construction period.

Reason: In accordance with Policy SKILLS SP1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition as it relates to the construction phase of development.

42 Before the commencement of development of each phase in accordance with the phasing scheme agreed under Condition 4, a Construction Environmental Management Plan (CEMP: Biodiversity) and a Landscape and Ecological Management Plan (LEMP) for that phase shall be submitted to and approved in writing by the Local Planning Authority.

The CEMP (Biodiversity) shall include the following:

- Aims and objectives of management including options for achieving aims and objectives.
- Risk assessment of potentially damaging construction activities.
- Prescriptions for management actions.
- Details of the body or organisation responsible for implementation of the plan.
- Ongoing monitoring and remedial measures including 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).
- The times during construction when specialist ecologists need to be present on site to oversee works.
- Responsible persons and lines of communication.
- The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- Identification of "biodiversity protection zones".
- Use of protective fences, exclusion barriers and warning signs.
- Details of the extent of retained and new hedgerows.
- the creation of seasonal water bodies.
- the installation of bat boxes, bird boxes; barn owl boxes and dormouse boxes.
- the planting of species rich grassland and scrub areas.
- the retention of hedgerows and trees.
- any trees removed should be replaced at a ratio of 2:1.
- log piles provided onsite and wildflower grassland created.
- The location and timing of sensitive works including the clearance of trees or scrub to avoid harm to biodiversity features and impact on breeding birds.

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

The LEMP shall also 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 also 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: 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 Natural Environment Rural Communities Act 2006 (Priority habitats & species). This is required to be a pre-commencement condition because these details have to be agreed and in place before any work commences.

- 43 Prior to the commencement of development in any phase a Biodiversity Net Gain Design Stage Report for the development, in line with Table 2 of C/EEM Biodiversity Net Gain report and audit templates (July 2021), shall be submitted to and approved in writing by the Local Planning Authority which provides a biodiversity net gain, using the DEFRA Biodiversity Metric 4 or any successor.

The content of the Biodiversity Net Gain report should include the following:

- Baseline data collection and assessment of current conditions on site;
- A commitment to measures in line with the Mitigation Hierarchy and evidence of how Biodiversity Net Gain Principles have been applied;
- Provision of the full Biodiversity Net Gain calculations, with plans for pre and post development and detailed justifications for the choice of habitat types, distinctiveness and condition, connectivity and ecological functionality;
- Details of the implementation measures and management of proposals;
- Details of any off-site provision to be secured by a planning obligation; and
- Details of the monitoring and auditing measures.

The proposed enhancement measures within each phase shall be implemented prior to the completion of the respective phase, in accordance with the approved details and shall be retained in that manner thereafter.

Reasons: In order to demonstrate measurable net gains and allow the Local Planning Authority to discharge its duties under the NPPF December 2023. It is necessary for this to be a pre-commencement condition to ensure that the biodiversity measures are delivered during construction.

- 44 Prior to development above slab level within each phase, a Biodiversity Enhancement Strategy for that phase 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:

- Purpose and conservation objectives for the proposed enhancement measures;
- Detailed designs or product descriptions to achieve stated objectives;
- Locations, orientations and heights of proposed enhancement measures by appropriate maps and plans (where relevant);
- Timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- Persons responsible for implementing the enhancement measures; and
- Details of initial aftercare and long-term maintenance (where relevant)

The works shall be implemented prior to the first occupation/use of the respective phase or completion of the respective phase, whichever is the sooner, in accordance with the approved details shall be retained in that manner thereafter.

Reason: To enhance protected and Priority species & habitats and allow the Local Planning Authority to discharge its duties under the NPPF December 2023 and s40 of the Natural Environment Rural Communities Act 2006 (Priority habitats & species).

- 45 All mitigation measures and/or works shall be carried out in accordance with the details contained in the Environmental Statement-Appendix 11 - Ecological Report (FPCR, June 2021), Environmental Statement - Appendix 12 - Breeding Bird Report (FPCR, June 2021), Environmental Statement - Appendix 13 - Wintering Bird Report (FPCR, June 2021) and

Environmental Statement Addendum July 2023 as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.

Reason: 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 Natural Environment Rural Communities Act 2006 (Priority habitats & species).

- 46 If an application for reserved matters for a phase of the development of the site is submitted 12 months or more after the date of this decision notice, then prior to the submission of any reserved matters application(s), the ditches within that phase should be re-surveyed for the presence of water voles; and the area of land relating to that phase should be resurveyed for badgers. The surveys and mitigation measures should be submitted for approval in writing by the Local Planning Authority. The mitigation measures shall be implemented in full and permanently retained and thereafter maintained as fit for purpose.

Reason: This condition is necessary to ensure the protection of wildlife and supporting habitat in line with Policy ENV DM3, Policy ENV DM4, Policy ENV DM5 and Policy ENV SP1 of the Arun Local Plan and the National Planning Policy Framework.

- 47 Prior to or concurrent with the submission of the first of the reserved matters applications, a Farmland Bird Mitigation Strategy shall be submitted to the Local Planning Authority for its approval in writing.

The Farmland Bird Mitigation Strategy shall include the following:

- Purpose and conservation objectives for the proposed measures.
- Detailed Methodology for measures to be delivered.
- Location of the proposed measures by appropriate maps and/or plans.
- Mechanism for Implementation & Monitoring of delivery.

The Farmland Bird Mitigation Strategy shall be implemented prior to the first nesting season following the commencement of any phase of the development and in accordance with the approved details, or any amendment as may be approved in writing pursuant to this condition, and all features shall be retained for a minimum period of 10 years.

Reason: To allow the Local Planning Authority to discharge its duties under the Natural Environment Rural Communities Act 2006 (Priority habitats & species).

- 48 Prior to the commencement of development above slab level within any phase an external lighting strategy for that phase shall be submitted to and approved in writing by the Local Planning Authority. This submission shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles). The approved scheme for the relevant phase (or agreed sub-phase) shall be installed and operational prior to the first occupation or use of that phase of the development. The lighting so installed shall be maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to any variation.

Reason: 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 Natural Environment Rural Communities Act 2006 (Priority habitats & species).

- 49 Any reserved matters application submitted under Condition 1 relating to buildings shall

include the finished ground floor levels of those buildings in relation to the existing and proposed site levels both within that each phase and adjoining phases, the adjacent highway and adjacent properties, together with details of levels of all accesses to include pathways, driveway, steps and ramps. The approved finished ground floor level and site levels shall be carried out in accordance with the approved details and thereafter retained.

Reason: To ensure the delivery of a satisfactory development and in the interests of amenity and of the environment of the development in accordance with policy D DM1 of the Arun Local Plan.

- 50 Prior to the commencement of each phase, full details of the play areas within that phase (including grass seeding/turfing, planting, fencing, safety surfacing, play equipment, seats, litter bins and lighting) shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented prior to the first occupation of any residential unit or completion within that phase, whichever is the sooner and shall be retained thereafter.

Reason: In the interests of amenity and of the environment of the development in accordance with policy D DM1 of the Arun Local Plan. This is required to be a pre-commencement condition because these details have to be agreed and in place before any work commences.

- 51 Prior to the commencement of development within each phase, a strategy for the provision or facilitation of broadband provision to future occupants of that phase shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall seek to ensure that upon occupation of a dwelling, either a landline or ducting to facilitate the provision of a broadband service to that dwelling from a site-wide network, is in place and provided as part of the initial highway works and in the construction of the frontage thresholds to any dwelling that abuts 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 shall be carried out in accordance with the approved strategy.

Reason: To ensure that the needs of future residents to connect to the internet does not necessarily entail engineering works to an otherwise finished and high-quality living environment in accordance with policy TEL DM1 of the Arun Local Plan.

- 52 At least 10% of the predicted energy demand of the development, after fabric first measures have been taken into account, shall be secured from decentralised and renewable or low carbon energy sources (as described in the glossary at Annex 2 of the National Planning Policy Framework).

Details and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be implemented in accordance with the approved details and timetable and retained as operational thereafter.

Reason: In order to secure a reduction in the use of energy at the site in accordance with national planning policy and policy ECC SP2 of the Arun Local Plan. This is required to be a pre-commencement condition because the approved measures may need to be built into the fabric of the buildings.

- 53 (a) No development of the grass pitches shall commence until the following documents have been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England:

(i) A detailed assessment of ground conditions (including drainage and topography) of the land

proposed for the playing field which identifies constraints which could adversely affect grass pitches quality; and

(ii) Where the results of the assessment to be carried out pursuant to (i) above identify constraints which could adversely affect playing field quality, a detailed scheme to address any such constraints. The scheme shall include a written specification of the proposed soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation.

(b) The approved scheme shall be carried out in full and in accordance with the approved programme of implementation

Reason: To ensure that the playing field is prepared to an adequate standard and is fit for purpose and to accord with Development Plan Policy HWB SP1 and OSR DM1.

54 Before the pitches are brought into use, a Maintenance Scheme for the facilities, a maintenance schedule and a mechanism for review shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. For the 3G Artificial Grass Pitch this will include measures to ensure the replacement of the Artificial Grass Pitch within a specified period. The measures set out in the approved scheme shall be complied with in full, with effect from commencement of use of the facilities.

Reason: To ensure that the new facilities are capable of being managed and maintained to deliver facilities which are fit for purpose, sustainable and to ensure sufficient benefit of the development to sport and to accord with Development Plan Policy HWB SP1 and OSR DM1.

55 The 3G Artificial Grass Pitch and its associated sports lighting shall not be used outside the hours of:

- 8 am and 10 pm Monday to Friday;
- 8 am and 10 pm on Saturday; and
- 8 am and 8 pm on Sunday .

Reason: To balance illuminating the 3G AGP for maximum use and benefit to sport with the interest of amenity and sustainability and to accord with Development Plan Policy HWB SP1 and OSR DM1.

56 No occupation of any phase shall take place until details of any pedestrian/cycle links/bridleways to be provided up to any shared boundaries within each phase have been submitted to and approved in writing by the Local Planning Authority. The details so approved shall thereafter be implemented in accordance with the approved detail prior to the completion of the relevant phase.

Reason: To ensure that future links can be provided to neighbouring sites and in order to achieve and cohesive and mix community. In accordance with Section 7 of the NPPF and Policies T DM1 and T SP1 of the Arun Local Plan.

57 Any reserved matters application must be accompanied by a scheme setting out the allocation of M4(2) and M4(3) dwellings for that phase. The submitted scheme shall ensure that fifty per cent (50%) of all dwellings within each phase are designed and constructed to M4(2) standard. Whilst a total of forty four (44) dwellings across the development shall be designed and constructed to M4(3) wheelchair accessible standard in accordance with 'Access to and use of buildings: Approved Document M'.

The development of each phase shall be carried out in accordance with the approved scheme.

Reason: To ensure that dwellings are adaptable and meet the diverse needs of future occupiers in accordance with Policy D DM1 of the Arun Local Plan, Arun SPD Accommodation for Older People and People with Disabilities and Paragraph 63 of the National Planning Policy Framework.

- 58 No dwelling hereby approved shall be occupied until the means to ensure a maximum water consumption of 110 litres use per person per day, has been complied with for that dwelling and retained in perpetuity thereafter.

Reason: To improve the sustainability of the dwellings in accordance with Arun Local Plan policies ECC SP1 and W DM1.

- 59 INFORMATIVE: This development involves work to the public highway (strategic road network and local road network) that can only be undertaken within the scope of a legal Agreement or Agreements between the applicant and National Highways (as the strategic highway company appointed by the Secretary of State for Transport) and, as necessary and appropriate, the Local Highway Authority. Planning permission in itself does not permit these works.

It is the applicant's responsibility to ensure that before commencement of any works to the public highway, any necessary Agreements under the Highways Act 1980 are also obtained (and at no cost to National Highways). Works to the highway will normally require an agreement or agreements, under Section 278 of the Highways Act, with National Highways and the Local Highway Authority.

Advice on this matter can be obtained from the Spatial Planning Team, National Highways, Bridge House, Walnut Tree Close, Guildford, Surrey, GU1 4LZ.

- 60 INFORMATIVE: As at 27107/23 the normal pre-planning permission RSA and WCHAR processes are not complete. However, we are content that sufficient evidence has been produced to demonstrate that a national policy and standards compliant mitigation scheme can be designed and implemented at the A27 I 82145 Whyke Roundabout; and on this basis (subject to the conditions set out in this NHPR form) have no objection to the application being determined by the Council. In the event that the processes are completed at the time of issuing any planning permission, and subject to agreement with National Highways, the condition drawing number may be amended to reflect the final agreed A27 I 82145 Whyke Roundabout mitigation scheme.

- 61 INFORMATIVE: A27/B2149 (Whyke Roundabout): This development involves work to the public highway (strategic road network and local road network) that can only be undertaken within the scope of a legal Agreement or Agreements between the applicant and National Highways (as the strategic highway company appointed by the Secretary of State for Transport) and, as necessary and appropriate, the Local Highway Authority. Planning permission in itself does not permit these works.

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- 62 INFORMATIVE: The Travel Plan may either be a single entity covering the whole site or made up of bespoke Plans for each plot or subsequent occupier on the site. Where multiple Plans are used, provision must be made for the Plans to be fully coordinated.

63 INFORMATIVE: The CMP shall include details (text, maps and drawings as appropriate) of the scale, timing and mitigation of all construction related aspects of the development. It will include, but is not limited to: site hours of operation; numbers, frequency, routing and type of vehicles visiting the site; measures to ensure that HGV loads are adequately secured, travel plan and guided access/egress and parking arrangements for site workers, visitors and deliveries; and wheel washing and other facilities to prevent dust, dirt, detritus etc from entering the public highway (and means to remove if it occurs).

64 INFORMATIVE: As part of the Building Regulations 2004, adequate access for firefighting vehicles and equipment from the public highway must be available and may require additional works on or off site, particularly in very large developments (BS5588 Part B 5), for further information please contact the Fire and Rescue Service.

If a requirement for additional water supply is identified by the Fire and Rescue Service and is subsequently not supplied, there is an increased risk for the Service to control a potential fire. It is therefore recommended that the hydrant condition is implemented.

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

66 INFORMATIVE: Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The infiltration tests must be carried out in accordance with BRE365, CIR/A R156 or a similar approved method. All design storms must include a climate change allowance, as per <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances> on stored volumes or rainfall intensity. Infiltration structures must cater for the critical 1 in 10 year storm event, (plus 40%) between the invert of the entry pipe to the soakaway and the base of the structure. All surface water drainage designs must also have provision to ensure there is capacity in the system to contain the critical 1 in 100 year storm event (plus 45%).

Freeboard is to be provided between the base of the infiltration structure and the highest recorded groundwater level identified in that location. Ideally this should be 1 metre where possible, as stated in the CIR/A Suds Manual guidance. However, on the coastal plain in particular, where geology dictates and where shallow perched/tidally influenced water tables are often present, this is unlikely to be achievable. Irrespective of this, infiltration must still be fully considered. Therefore, to maximise this potential and avoid utilising other less favourable methods of surface water disposal, the bases of infiltration structures are permitted to be immediately above the peak recorded groundwater levels where it is deemed necessary.

In areas where an aquifer is to be protected (subject to guidance from the Environment Agency) then a minimum 1 metre freeboard must be provided. Suitable water treatment is required upstream to the point of discharge in all circumstances to minimise any groundwater pollution risk or detriment to the drainage network.

Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest groundwater table in support of the design. The applicant is advised to discuss the extend of ground water monitoring with the council's engineers.

Supplementary guidance notes regarding surface water drainage are located at <https://www.arun.gov.uk/drainage-planning-consultations> on Arun District Council's website. A surface water drainage checklist is available on Arun District Council's website, this should be submitted with a Discharge of Conditions Application. Reference should also be made to the 'West Sussex LLFA Policy for the Management of Surface Water'



67 INFORMATIVE: The applicant is advised that pitches to be used for Step 1 and Step 2 level football matches should be built in accordance with FIFA Quality Concept for Football Turf - FIFA Quality Pro and Steps 3 to 6 should be built in accordance with FIFA Quality as a minimum and tested annually as per league rules.

If the 3G AGP is required for rugby match play it should be built in accordance with RFU guidance note 7: Artificial Rugby Turf and tested bi-annually by an accredited testing laboratory in order to achieve and maintain World Rugby Regulation 22.

68 INFORMATIVE: Condition 2(B): The Applicant is advised that although the Parameters Plans have been considered as part of the ES Assessment, layout, scale and appearance are reserved matters that are to be submitted for assessment. Parameter Plan 2. Building Heights - 18723-SBR-ZZ-XX-DR-A-80102 Rev P3 sets out broad approach and therefore part B of Condition 2 refers to the development being substantially in accordance with such parameters plans. Where proposed and having regard to the building typology of this part of Bersted, the 'transitional' nature of the site, its relatively flat terrain and distant views of the spire of Chichester Cathedral, building heights of 3.5 and 4 storeys will require robust place-making, and design justification to be considered acceptable.

69 INFORMATIVE: The applicant is advised that the scheme should comply with the relevant industry Technical Guidance, including guidance published by Sport England, National Governing Bodies for Sport. Particular attention is drawn to 'Natural Turf for Sport', (Sport England, 2011)

Guidance:

(i) For outdoor sporting provision sports lighting can considerably extend the hours of use especially outside the summer months and is often critical to the viability of many facilities which rely on income from mid-week evening lettings to cover operating costs. Sports lighting is therefore essential if these sports facilities are to be used to their full capacity and justify the level of capital required to provide them. Without sports lighting, opportunities for sport would be significantly restricted.

(ii) There are examples where conditions attached to a planning permission restricting the hours of use affect the viability of the operation. Conditions which seek to minimise the impact of the facility on the amenity of neighbouring properties should not be unduly restrictive.

70 INFORMATIVE: Guidance on preparing Community Use Agreements is available from Sport England.

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

72 INFORMATIVE: The applicant is advised that water butts are to be provided where possible to make a positive contribution to reduce surface water and meet sustainability objectives.

The proposed Conditions should be read alongside the s106 Heads of Terms, which include a range of contributions, including works to Chalcraft Lane to be implemented once the new link road is complete and open, the final scheme to be subject to consultation, a redirected bus service, health care centre and triggers for payments and implementation of the various mitigation measures.

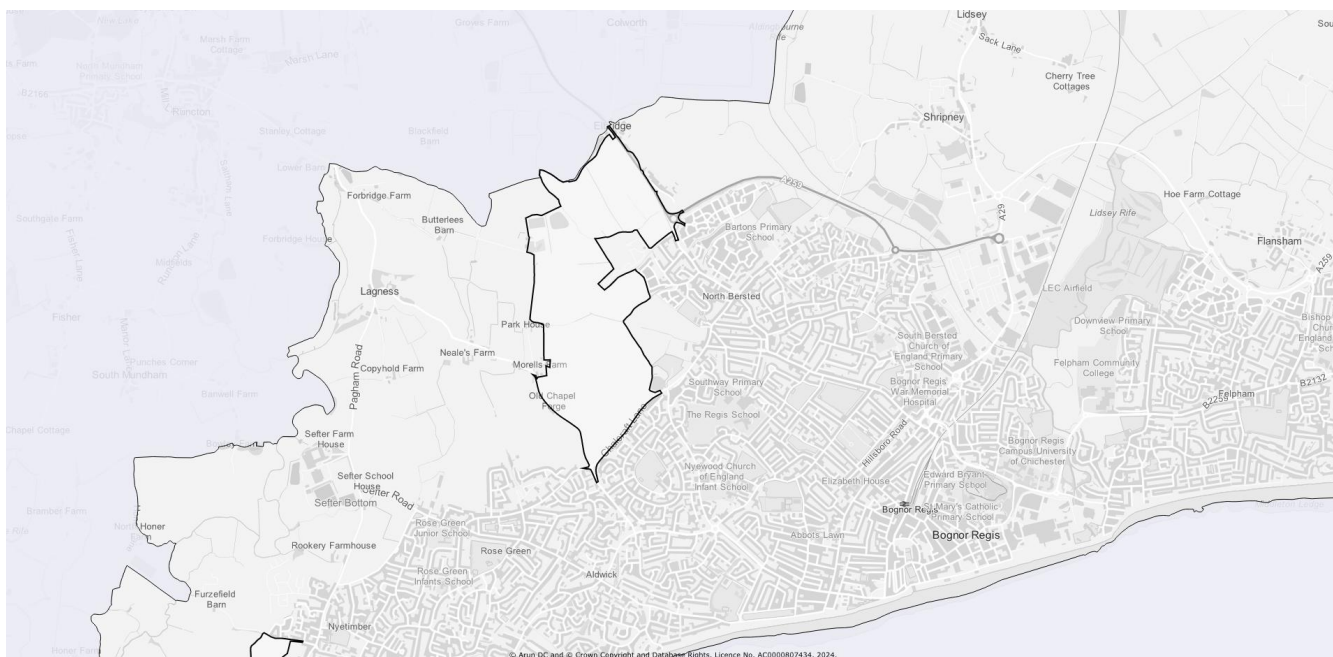
73 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The Local Planning Authority has acted positively and proactively in determining this application by

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 by clicking on this link and clicking on View Documents.](https://www.arun.gov.uk/weekly-lists)

**BE/134/22/OUT - Indicative Location Plan (Do not Scale or Copy)**  
**(All plans face north unless otherwise indicated with a north point)**



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