

PLANNING APPLICATION REPORT

REF NO:	BE/109/19/OUT
LOCATION:	Land east of Shripney Road & south of Haddan House Shripney Road Bersted
PROPOSAL:	Outline application with some matters reserved for up to 46 No dwellings together with access. This application is a Departure from the Development Plan & may affect the character & appearance of the Shripney Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	<p>The scheme is in outline with all matters reserved except access. It is proposed to redevelop the site with up to 46 dwellings.</p> <p>The scheme proposes to take the existing informal vehicular access from Shripney Road and provide an enlarged bellmouth access arrangement leading into a road initially of 6.1m width tapering down to 5.5m. Visibility splays of 2.4m by 120m to the north and 2.4m by 124.2m to the south are shown.</p> <p>It is proposed to provide a new pedestrian crossing on the A29 with a tactile paved dropped kerb island in the carriageway. The crossing will connect existing pavement on the west side of the A29 with a new footpath on the east side leading into the site and then out again via a footpath to the south which then connects with existing pavement on the east side of the A29.</p> <p>It is proposed to enlarge and realign the splitter island in the carriageway to provide a right turn lane into the site (for cars travelling northwards) and the new pedestrian crossing island. The current splitter island accommodates a right turn lane from the A29 into Shripney Lane (for cars travelling southwards) and this will be slightly modified. The splitter island will be 3m wide at its greatest extent with the carriageway either side at 3.5m. This is achieved through widening the road on the east side. There would be a new tactile paved crossing island on Shripney Lane to replace an existing informal crossing point. This requires the relocation of the Shripney Lane road name sign.</p> <p>An illustrative layout has been supplied and suggests a scheme of flats and houses with open space, play space &</p>
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	parking.
SITE AREA	1.8 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	25.6 dwellings per hectare.
TOPOGRAPHY	Predominantly flat but slightly higher than the level of the road.
TREES	The Tree Constraints Report identifies 13 significant trees (T1-T13) that will be a constraint on development. These are considered to be of high or moderate quality. T1-T10 (Oaks on the eastern boundary/south eastern corner) are protected by TPO/BN/4/19.
BOUNDARY TREATMENT	Mixed: <ul style="list-style-type: none">- Low post and rail fence along the road frontage;- Part timber fence, part chain link around the substation in the north western corner;- 2m Hedge to northern boundary with Haddan House;- Part flank wall/part fence/part 4m hedge to Wayside to the south; and- Assumed post & rail fence to the eastern boundary. <p>There is an open ditch running along part of the Shripney Road frontage.</p>
SITE CHARACTERISTICS	Large roughly rectangular grassed site with an approximate 200m frontage to Shripney Road. Existing trees and hedge planting to part of the boundaries. There is an unmade vehicular access at a point just north of the A29/Shripney Lane junction which leads up to a 2m high metal gate at the site boundary. Just beyond this gate is the remains of a timber structure possibility previously used as stables. In the northwest corner (outside of the site area) is an electricity substation.
CHARACTER OF LOCALITY	<p>The site is in a semi-rural location on the A29 (Shripney Road). There is sporadic residential development characterised by detached dwellings in large plots on the east of Shripney Road with open countryside to the rear. To the west, the density is higher with houses closer together in narrower plots. The houses on the east have a mixed building line and some extend back into their respective gardens. There is no clear architectural style or local vernacular. Houses are a maximum of two storeys although some have rooms in the roof above first floor.</p> <p>The adjoining dwelling to the south (Wayside) consists of a large part single storey/part two storey detached dwelling (plus rooms in the roof) set in from the road frontage with front gravelled parking area and extensive gardens to the rear. It has a deep rear single storey projection part of which is built directly onto the boundary but has no windows facing onto the site.</p>

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

No relevant history.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bersted Parish Council

"No Objection".

12 objections (including 1 from the CPRE) raising material planning considerations:

- (1) Unsustainable location with no cycle links;
- (2) Countryside so contrary to ALP policy C SP1;
- (3) Considered unsuitable in HELAA;
- (4) Errors in the comments of WSCC Highways re speed limits & overtaking restrictions;
- (5) Several concerns re highway safety in the vicinity of the site;
- (6) Increased traffic in the area;
- (7) Impact of construction alongside other developments in the area;
- (8) Risk of future flooding so contrary to policy ECC SP1;
- (9) Flooding concerns along Shripney Road;
- (10) Work has already started with trees felled and hedges removed;
- (11) Harm to wildlife;
- (12) Light pollution;
- (13) Air quality issues;
- (14) Need for renewable energies to be included; and
- (15) Harm to rural character of Shripney.

COMMENTS ON REPRESENTATIONS RECEIVED:

Items (1), (2), (5), (6), (8), (9), (11) & (15) are considered in the conclusions section and the following comments are offered in response to the other concerns:

- (3) The Councils' 2019 HELAA (February 2020) assessed the site (ref 75) as being developable in the longer term. It is accepted the HELAA confirms the whole of the site is subject to future flooding and this may affect the amount of development achievable on the site.
- (4) Google Streetview indicates this section of Shripney Road is subject to a maximum of 40mph and the length of the white lines in the carriage way discourage overtaking. This has been reported to Highways and they corrected this in their response of the 26/03/20.
- (7) Impacts of construction will be temporary and although this may coincide with other developments, this will be managed through the Construction Management Plan.
- (10) Noted however, a TPO was served to protect the most valuable trees on the site.
- (12) A condition will be imposed to control future lighting to protect residential amenity and to prevent adverse impact to local bar populations.
- (13) Environmental Health advise that an air quality assessment will be required at the detail stage. It would not be appropriate to consider this on the outline application which seeks only to agree the principle of development and access;

(14) As with (13), this is a matter for the reserved matters stage and a condition will be imposed to require approval of such details. A condition is proposed to require electric vehicle charge points.

CONSULTATIONS

Ecology Advisor
Engineering Services Manager
Engineers (Drainage)
NHS Coastal West Sussex CCG
WSCC Strategic Planning
Sussex Police-Community Safety
Arboriculturist
Natural England
Surface Water Drainage Team
Parks and Landscapes
Highways England
Planning and Housing Strategy
Environmental Health
Strategic Projects

CONSULTATION RESPONSES RECEIVED:

HIGHWAYS ENGLAND - no objection on the basis that the proposal, in isolation, will not materially affect the safety, reliability and/or operation of the strategic road network.

NATURAL ENGLAND - no comments. Lack of comment does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes.

NHS - no objection subject to financial contribution of £53,086 which will be used most likely towards the replacement Croft surgery or another site/central hub which will serve the catchment population of this proposed development.

SUSSEX POLICE - no objection but list a number of advisory notes regarding improving security.

WSCC HIGHWAYS - application subject to a Design Audit of proposed road modifications, associated Departure from Standards (DfS) forms and a Road Safety Audit with Designers Response. There have been several responses but the final comments (26 March 2020) advise that outstanding matters pertaining to the proposed access works & highway alterations have been addressed and the scheme demonstrates safe and suitable access, in line with para 108 of the NPPF. The proposals would not have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network (NPPF para 109). Their full response is available online.

WSCC INFRASTRUCTURE - request contributions (calculated by a formula) to the following projects:

- on additional facilities at Aldingbourne Primary School.
- on phase 1 of the new secondary school serving Arun.
- on additional equipment at St Philip Howard Catholic High School Sixth Form.

- on a project to enhance library space with improved digital access at Bognor Regis Library.
- towards supply and installation of additional fire safety equipment to vulnerable persons homes in West Sussex Fire Rescue Services Southern Area serving Bersted.

WSCC FLOOD RISK MANAGEMENT - no objection subject to a surface water drainage condition. Note:

- Site is at a low risk of surface water flooding;
- Any existing surface water flow paths across the site must be maintained and mitigation measures proposed for areas at high risk;
- Site is at high risk from groundwater flooding (as based on modelled data);
- No historic records of flooding; and
- Ordinary watercourses present in close proximity.

ADC DRAINAGE ENGINEERS - no objection subject to standard drainage conditions. Concerns with illustrative layout and the lack of open drainage features (balancing ponds, swales and retention basins). There are known capacity issues with the watercourse to the road frontage and remedial works will be required at the applicants expense.

ADC HOUSING STRATEGY & ENABLING MANAGER - no objection subject to 14 affordable dwellings being secured with a tenure split of 75% rented and 25% intermediate housing. Anticipate 11 x dwellings to be rented and 3 x dwellings as intermediate.

ADC GREENSPACE OFFICER - no objection subject to a landscaping condition. The site requires POS of 3,238m². If there is a LEAP on the site there will be no need for off-site financial contributions but details of this play facility along with maintenance/management will be required. The LEAP provision should be 557m². Tree protection measures will be required.

ADC ENVIRONMENTAL HEALTH - request conditions to secure electric vehicle charging points, to secure acoustic mitigation measures to the new houses, to control noise from any proposed pumping stations, to assess the impact of noise from the substation, to secure a Construction Management Plan and to secure details of lighting. Request consideration of air quality issues at the design stage.

COUNCIL ECOLOGIST - notes likely presence of bats, nesting birds, dormice and reptiles however no objection subject to conditions to secure various protection, mitigation and enhancement measures.

COMMENTS ON CONSULTATION RESPONSES:

All comments noted and conditions imposed unless indicated below:

NHS - As decision will be made after introduction of CIL, it is not possible to secure the contribution through a S.106 and instead the NHS can bid for a portion of the CIL payments collected.

WSCC INFRASTRUCTURE - As decision will be made after introduction of CIL, it is not possible to secure contributions through a S.106 and instead WSCC can make a bid for a portion of the CIL payments collected.

ADC DRAINAGE ENGINEERS - The application does not seek to agree layout and the illustrative layout is for information only. Detailed drainage matters would be considered at reserved matters stage.

ADC HOUSING STRATEGY & ENABLING MANAGER - on-site provision will be secured by a S.106 Agreement.

ADC GREENSPACE OFFICER - on-site POS and play provision will be secured by a S.106 Agreement.

POLICY CONTEXT

Designations applicable to site:

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

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVSP1	ENV SP1 Natural Environment
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
GISP1	GI SP1 Green Infrastructure and Development
HSP1	HSP1 Housing allocation the housing requirement
HSP2	H SP2 Strategic Site Allocations
HDM1	H DM1 Housing mix
AHSP2	AH SP2 Affordable Housing
HWBSP1	HWB SP1 Health and Wellbeing
INFSP1	INF SP1 Infrastructure provision and implementation
LANDM1	LAN DM1 Protection of landscape character
OSRDM1	Protection of open space, outdoor sport, comm& rec facilities
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QEDM3	QE DM3 Air Pollution
QEDM4	QE DM4 Contaminated Land
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
SODM1	SO DM1 Soils
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WSP1	W SP1 Water
WDM1	W DM1 Water supply and quality

WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management

Bersted Neighbourhood Plan 2014 Policy ES1	Design of new development
Bersted Neighbourhood Plan 2014 Policy ES2	Surface water management
Bersted Neighbourhood Plan 2014 Policy ES6	Protection of trees
Bersted Neighbourhood Plan 2014 Policy ES7	Development outside of the Built Up Area Boundary
Bersted Neighbourhood Plan 2014 Policy GA1	Pedestrian and Cycle Connections
Bersted Neighbourhood Plan 2014 Policy HDQ1	Housing Site Allocations
Bersted Neighbourhood Plan 2014 Policy HDQ2	Integration of new housing
Bersted Neighbourhood Plan 2014 Policy HDQ3	Windfall sites
Bersted Neighbourhood Plan 2014 Policy HDQ4	Housing mix
Bersted Neighbourhood Plan 2014 Policy HDQ6	Outdoor space
Bersted Neighbourhood Plan 2014 Policy HDQ7	Attention to detail
Bersted Neighbourhood Plan 2014 Policy HDQ8	Car parking

PLANNING POLICY GUIDANCE:

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

SUPPLEMENTARY POLICY GUIDANCE:

SPD1	Open Space & Recreation Standards
SPD3	Parking Standards

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The relevant policies of the Bersted Neighbourhood Plan have been taken into account in this determination.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal conflicts with the Arun Local Plan (policies C SP1 & SD SP2) and the Bersted Neighbourhood Development Plan (policy ES7) as the site lies outside the built up area boundary where

development is generally not allowed. The development would lead to the loss of high grade agricultural land (ALP policy SO DM1).

OTHER MATERIAL CONSIDERATIONS

There are other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background as detailed in the Conclusion section. These are as follows:

- The previous decision concerning residential development on the site to the north (The Cottage) which established the sustainable credentials of that site;
- The Council's housing land supply target includes provision of at least 1,250 homes to be identified through the review of Neighbourhood Plans and through a Non-Strategic Site Allocations Development Plan Document (DPD);
- The result of the Governments 2019 Housing Delivery Test which states Arun have underdelivered on its housing targets and recommends the application of a 20% buffer to be included in the calculation of the authorities 5-year Housing Land Supply;
- The Council's Authority Monitoring Report (AMR) as considered at the Planning Policy Local Plan Sub-Committee on 17th December showed the Council can no longer demonstrate a 5 year Housing Land Supply (HLS) as required. The AMR shows there is 3.7 year supply (amended on a recent appeal to 2.9 years); and
- The National Planning Policy Framework (NPPF) and associated guidance particularly in respect of the presumption in favour of sustainable development.

CONCLUSIONS

PROPOSAL & PRINCIPLE:

This is an outline application with means of access details only. Although an indicative layout plan has been submitted which demonstrates 46 dwellings can be provided together with access roads, footpaths, public open space (including a play facility), parking and landscaping; siting is not a matter for determination at this time. The development description is for up to 46 dwellings so a lesser number would be permitted by this decision.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications should be determined in accordance with the plan unless material considerations indicate otherwise. The development plan for the Arun District currently comprises the Arun Local Plan 2011-2031, the Bersted Neighbourhood Development Plan (November 2014) and the West Sussex Waste and Minerals Plans.

Section 38 (5) states: "If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document". Any conflict between the Bersted Neighbourhood Development Plan and the Arun Local Plan, should therefore be resolved in favour of the latter.

All development policies that relate to the supply of housing in the Local Plan (policies C SP1, SD SP2) have reduced weight because Arun cannot demonstrate an adequate supply of housing land (only 2.9 years). In addition, policies in the Bersted Neighbourhood Development Plan that relate to the supply of housing (policy ES7) has greater reduced weight because they relate to out of date housing needs as the policies were based on the 2003 Local Plan.

Paragraph 14 of the NPPF states that in situations where the 'presumption in favour of sustainable development' applies to applications involving the provision of housing, then the adverse impact of

allowing development that conflicts with the neighbourhood plan will not significantly and demonstrably outweigh the benefits if four specific criteria apply. In this case, criteria (a) to (d) are not all applicable because the Neighbourhood Plan was made over two years ago. The presumption in favour of sustainable development is unaffected by the Neighbourhood Plan.

The Arun Local Plan (ALP):

The key policy considerations in the determination of this application are H SP1, SD SP1, SD SP2 and C SP1.

Policy H SP1 "The Housing Requirement" sets out an overall provision of 20,000 new homes through the Local Plan phased over the plan period to 2031. It includes a reference to additional non-strategic allocations being made across the District through reviews of Neighbourhood Plans and in cases where there is no up-to-date Neighbourhood Plan, through the publication of a "Non-Strategic Site Allocations Development Plan Document" (NSS-DPD).

This document will fulfil an identified deficit of 1,250 houses from smaller sites (under 300 units each) in the Local Plan. The NSS-DPD has not yet been published for Regulation 18 and it is anticipated that an Issues/Options document will be available in early spring 2020. Bersted Parish Council are not currently working on a review of their Neighbourhood Plan.

Policy SD SP1 "Sustainable Development" states the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF).

Policy SD SP2 "Built up Area Boundary" states that the Built-Up Area Boundary (BUAB) is defined for the main towns and villages in the District and shown on the Policies Maps. Policy C SP1 "Countryside" states that residential development in the countryside outside the BUAB will not be permitted unless in accordance with policies in the Plan which refer to a specific use or type of development. It is noted that none of these relate to the proposal.

As this site lies outside the nearest BUAB (albeit only around 160m from the BUAB), it is categorised as being in the countryside and the scheme would conflict with ALP policies SD SP2 and C SP1.

The Bersted Neighbourhood Development Plan (BNDP):

The BNDP was made on the basis of the saved policies in the former 2003 Arun Local Plan and the draft policies in the 2014 publication version of the then emerging Arun Local Plan.

Appendix F of the BNDP includes a BUAB drawn around the edge of the larger settlement of Bognor Regis (of which North & South Bersted are a part). There is no separate BUAB drawn around Shripney. The site lies some distance outside of this BUAB and the site is classified as countryside.

Policy ES7 states development outside of the BUAB will not be supported. Policy HDQ3 "Windfall Sites" states permission will be granted for small residential developments on infill and redevelopment sites within the Parish, but this is to be subject of the other policies in the Plan (including ES7). This is not considered to be a small site and policy HDQ3 would not apply. The proposal conflicts with BNDP policy ES7.

Other Material Considerations:

The following sets out whether there are any material considerations which indicate that the proposal

should be determined other than in accordance with the development plan.

(1) The Councils Housing Land Supply as set out in the ALP

Members should note that the housing land supply target set out within the ALP includes a provision of at least 1,250 homes to be identified through both the review of Neighbourhood Plans and through a Non-Strategic Site Allocations Development Plan Document (NSS-DPD). The NSS-DPD is not yet out for consultation, which increases the reliance on the strategic allocations for maintaining the supply of housing. Whilst there remains potential for the site to also be promoted through this document, only limited weight can be attributed to this consideration at the current time.

(2) The Councils Current Housing Land Supply Data

On 12 February 2020, following appeal decision APP/C3810/W/19/3236911 a Planning Inspector considered the authority was only able to demonstrate 2.9 years HLS. The Council is of the view that its AMR evidence is robust but that this needs to be improved. The Council is of the view that this will be more concise and transparent via signed Statements of Common Ground for the Strategic Allocations and the authority is now pursuing this. In the interim, the position on the 5 year HLS must remain at 2.9 years as determined by this appeal. The council will update its position in due course.

The government published Arun's HDT result for November 2019 in February 2020. The HDT was 68% triggering the application of a 20% buffer to be included in the calculation of the authorities 5 year HLS. The above appeal position reflects this buffer.

The Council's Action Plan published in June 2019 makes a series of recommendations in order to boost housing delivery. This includes relying on the 'presumption in favour of sustainable development' until such time as the 5-year housing land supply re-established and the HLS is progressed through plan making. It recommends that the Council consider inviting applications from landowners/developers on 'deliverable' HELAA sites to re-establish the 5 year housing land supply. The release of further land for housing will help to maintain delivery rates.

(3) The NPPF & the Presumption in Favour of Sustainable Development;

The National Planning Policy Framework (NPPF) 2019 is a material consideration in determining planning applications. As the Council cannot currently demonstrate a 5-year HLS, paragraph 11 (d) of the NPPF and the application of the 'presumption' for sustainable development is triggered.

This means where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (such as where the local planning authority cannot demonstrate a five year supply of deliverable housing sites), planning permission should be granted unless (i) the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or (ii) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

There is no question that (i) does not apply to this determination as the site does not lie in a protected landscape. In respect of (ii), the remainder of this report will show that there are no adverse impacts associated with the proposal. The presumption in favour of sustainable development therefore applies.

Para 8 of the NPPF states that in order to achieve sustainable development; economic, social and environmental gains should be sought jointly and simultaneously through the planning system. The following is an analysis of the sustainable nature of the site and proposal:

Environment

It was established by BE/63/17/OUT that a site to the north (The Cottage) was on balance, sustainable development. This site is closer to the settlement of Bognor Regis (only around 160m from the edge of the built up area boundary) and is in walking and cycling distance of a range of local shops, services, health and education facilities. The pedestrian improvements allow occupiers to walk from the site on pavement/via a pedestrian crossing island to reach the two bus stops to the south. These bus services enable access to either Bognor Regis (which has a railway station) or Westergate and places beyond. Whilst the private car would be required for longer distances, future residents would not need to rely on a car to be able to live comfortably or to access local employment opportunities.

The development will have an impact on ecology and results in the loss of some trees. The Council's ecologist does not raise any objection and considers mitigation measures can be used to offset any potential harm. The future reserved matters scheme will be subject to a landscaping scheme and at this time, the developer will be asked to replace those trees to be lost at a ratio of 2 to 1.

Social

The proposal supports the local community by providing up to 46 new homes including 14 affordable dwellings to help meet future needs.

Economic

The proposal is likely to result in economic benefits to the local area in the form of (a) an increase in Council Tax receipts; (b) potential 'New Homes Bonus' payments from the Government; (c) the payment of CIL contributions for local infrastructure; (d) the creation of new or maintenance of existing construction jobs; and (e) additional spending by new residents on local goods & services.

Assessment of Sustainable Development

The proposal has clear social and economic benefits. The costs to the environment are not considered to be significant and there is mitigation in place to offset the harm. The definition of sustainable development does not simply relate to accessibility of services and facilities and it is considered, on balance, that the proposal would be environmentally, socially and economically sustainable and would benefit from the NPPF presumption in favour of sustainable development.

Conclusion on Matters of Principle:

The principle of development on is contrary to policies in the development plan. The policies of the Arun Local Plan (ALP) that relate to the supply of housing have reduced weight due to the Council not being able to demonstrate an adequate supply of housing land. Policies in the Bersted Neighbourhood Development Plan (BNDP) that relate to the supply of housing have greater reduced weight because they relate to out of date housing needs as the policies were based on the 2003 Local Plan.

The proposal represents sustainable development and the NPPF 'presumption in favour of sustainable development' is engaged. This and the other material considerations above combine to outweigh the conflict with the policies of the development plan and serve to allow for the principle of the application to be supported.

AGRICULTURAL LAND:

The site is designated as grade 2 agricultural land as per the "Post 1988 Agricultural Land Classification (England)" dataset. This dataset is based on paper maps and survey reports for individual sites surveyed in detail between 1989 and 1999 by the Ministry of Agriculture, Fisheries & Food (MAFF).

The site is not currently used for agriculture and historic aerial photography back to 2001 suggests that it has never been in an arable use instead supporting animal grazing only. It does however share a border on the east side with land used for the growing of crops.

ALP policy SO DM1 considers soils. It states that: "Unless designated by this Plan or a Neighbourhood Development Plan, the use of Grades 1, 2 and 3a of the Agricultural Land Classification for any form of development not associated with agriculture, horticulture or forestry will not be permitted unless need for the development outweighs the need to protect such land in the long term."

It is considered that the need for this housing development to boost the Council's severe housing land supply shortfall is such that the loss of the grade 2 agricultural land can be outweighed particularly as the land is not currently used for agriculture and there is no realistic possibility of it being so used.

It should be noted that in allowing the appeal at Clays Farm in Yapton which concerned a refusal on loss of grade 2 agricultural land (application ref Y/20/18/OUT), the Inspector noted that although adjacent land was used for the growing of crops, there was no evidence that the site itself would in future be so used. The Inspector stated that whilst this does not in itself justify the loss of the land, it does act to reduce the level of environmental and economic harm that would be caused by its development. The Inspector therefore considered the loss of the grade 2 agricultural land to represent only moderate harm. Overall, the Inspector decided that the benefits of the proposal including the economic & social benefits alongside the contribution to the housing land supply shortfall outweighed the moderate harm to the loss of the grade 2 land. The appeal was therefore allowed. This appeal decision shares many similarities with this application and it is considered that a similar conclusion can be reached.

Policy SO DM1 then states if development is permitted by the policy, the applicant should submit mitigation measures and a soil resources plan for the site. The applicant has provided an agricultural land appraisal & soil resource plan. The latter details measures to retain and protect the existing high quality soils on the site during construction and to then spread these soils across the site to be used for proposed landscaping, gardens and other grassed areas. This satisfies the remaining parts of policy SO DM1 and necessitates a condition to ensure that the soil mitigation measures are followed in order to ensure the best soils are retained.

On this basis, although the loss of the grade 2 agricultural land does represent harm, there is no conflict with Policy SO DM1 as it allows for the harm to be outweighed where the need is greater.

FLOODING AND DRAINAGE:

According to mapping on the Environment Agency's website, the vast majority of the site is designated as Flood Zone 1 (low risk). The section of Shripney Road along the site frontage is designated as Flood Zone 2 (medium risk) and this slightly extends into the site and corresponds with the landscaping shown on the illustrative layout plan. The ditch which marks the site boundary in the south east corner is designated as Flood Zone 3 but does not extend into the site itself. The site is shown in the Council's Strategic Flood Risk Assessment (SFRA) as being potentially partly flood zone 3a by the year 2061 and fully zone 3a by 2115.

ALP policy W DM2 refers to the sequential test, Flood Risk Assessments 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.

Policy W DM3 (Sustainable Urban Drainage Systems) states: "To increase the levels of water capture and storage and improve water quality, all development must identify opportunities to incorporate a range of Sustainable Urban Drainage Systems (SUDS), appropriate to the size of development, at an early stage of the design process." BNDP policy ES2 requires surface water management measures for development proposals to ensure that the risk of flooding both on-site and downstream is not significantly increased.

Government guidance states a sequential site assessment is required where a site is at high risk of current or future flooding. Para 158 of the NPPF states the sequential approach should be used in areas known to be at risk now or in future from any form of flooding. Para 155 NPPF states the development 'should be made safe for its lifetime without increasing flood risk elsewhere.' Para 33 (Reference ID: 7-033-20140306) of the associated Planning Practice Guidance states it should not normally be necessary to apply the sequential test to development in proposals in flood zone 1 (and with a low probability of flooding from rivers or the sea) unless the flood risk assessment indicates there may be flooding issues now or in the future (for example by climate change).

The applicant has provided a Flood Risk Assessment (FRA) which includes a Sequential Site Assessment. The Sequential Assessment concludes there are no reasonably available alternative sites within the defined area of search defined. This has been accepted and the proposal passes the sequential test.

In respect of current flood risk, the FRA states no residential properties will be proposed in flood zones 2 or 3 and aside from new hard surfacing to the site access, the land use in these areas will be soft landscaping in line with the existing topography. Notwithstanding, the FRA also includes details of how the proposal would satisfy the exceptions test within the NPPF:

- the proposal will provide wider sustainability benefits to the community through the provision of much needed residential properties and thus assist with the Council's housing land supply shortfall;
- whilst the vehicular access may be subject to flooding, residents can also exit the site on foot through the footpath at the SW corner where ground levels are higher and there is no ditch; and
- residential occupiers will also be encouraged to sign up to the EA's Flood Warning Scheme to make sure that they receive advanced notice of anticipated flood events.

The FRA considers surface water drainage and states this will be achieved by attenuating the site through permeable paving with a granular subbase. The FRA concludes there will be no increase in flood risk to downstream receptors following the development.

There is no objection to the application from either County or District drainage engineers. There is concern the strategy does not consider the use of open drainage features however, these are matters for the detailed reserved matters application and/or the discharge of drainage conditions. There is no in principle objection and crucially, no concern that the development will increase the flood risk elsewhere.

It is considered the proposal complies with ALP policies ECC SP1, W DM2 & W DM3 and with BNDP policy ES2.

CHARACTER AND DESIGN:

Policy D DM1 of the Arun Local Plan requires the Council seek to make the best possible use of land by reflecting or improving upon the character of the site and the surrounding area. It requires the Council to consider scale, massing, aspect, siting, layout, density, building materials, landscaping, and design features. It is necessary that development demonstrates a high standard of architectural principles, use

of building materials and hard and soft landscaping to reflect the local area. In terms of density, D DM1 requires that housing makes efficient use of land while providing a mix of dwelling types and maintaining character and local distinctiveness. Higher densities will be more appropriate in the most accessible locations. The policy requires the scale of development keep within the general confines of the overall character of a locality.

ALP policy D SP1 "Design" requires development to make an efficient use of land and also reflect local character. BNDP policies ES1, ES5, HDQ2 and HDQ5 are all relevant. Policy ES1 states that: "New development which would have an effect on the appearance or character of the surrounding area should be of a high-quality design and should contribute to local character by creating a sense of place appropriate to its location". Policy ES5 requires that building design contribute positively to the historic character of Bersted. Policy HDQ2 states that "Proposals for new housing must ensure that the new homes are well connected to the surrounding area and visually integrated with their surroundings." Furthermore, HDQ5 requires that new housing is of a high quality and is designed to reflect the local character.

Paragraph 127 of the NPPF states that "Planning policies and decisions should ensure that developments: (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)." Para. 122 states that planning decisions should support development that makes efficient use of land but the desirability of maintaining an area's prevailing character and setting should be considered.

The National Design Guide (September 2019) forms part of the Government's collection of planning practice guidance. Paragraphs 20-21 of the Design Guide explain how good design should pay regard to place and context and that 'a well-designed place is unlikely to be achieved by focusing only on the appearance, materials and detailing of buildings. Part 2 of the Guide sets out ten characteristics for good design, namely Context, Identity, Built form, Movement, Nature, Public spaces, Uses, Homes and buildings, Resources and Lifespan.

The application is outline and does not seek the approval of layout, external appearance, scale or landscaping. Although an indicative layout is provided it is not possible to determine the application on the basis of this. It would be appropriate to assess whether residential development in this location would be acceptable in the context of the character of the Shripney area.

The site sits on the east side of Shripney Road and is flanked to both the north and south by low density residential development. On the west side of the road there is further residential development which is mixed but predominantly of a higher density. The development has a density of up to 26 dwellings per hectare (dph) inclusive of open space and this is not excessive. It should be noted that The Cottage site to the north (BE/63/17/OUT) has permission for 20 dwellings at a density of 27.8dph.

There will undoubtedly be a change to the character of Shripney Road in this location with the loss of this open field, however, the illustrative scheme proposes open space and landscaping along this frontage which would soften views of the new houses. The illustrative scheme shows landscaping to the eastern boundary in order to soften views from the adjacent farmland.

The Design & Access statement suggests that housing along the east boundary would be no greater than 2 storeys and that any instances of 2.5 or 3 storey development would be located centrally in the site. In general, the indicative layout suggests a spacious scheme with a good provision of open space and landscaping which reflects what might be appropriate on the edge of a settlement.

The proposal is considered to comply with the ten characteristics of good design in the National Design

Guide in that:

1. Context - The site is in a sustainable location and in an area characterised by existing residential development with no clear design or vernacular. The proposal will be developed to respect the surrounding built development and the wider landscape;
2. Identity - The scheme will be developed at the detail stage to ensure that it respects and harmonises as far as possible with the surrounding built development;
3. Built Form - The scheme will be developed at the detail stage to facilitate linkages with Shripney Road, have a legible layout and reflect basic 'secure by design' principles;
4. Movement - The scheme will be developed at the detail stage to provide improved pedestrian routes and road crossings to encourage pedestrian movements and access to existing bus stops. It will deliver a clear pattern of streets that is safe and accessible for all;
5. Nature - The high value trees and landscape planting will be retained and reinforced with new planting wherever possible. Wildlife enhancements will be provided to encourage on site biodiversity;
6. Public Spaces - Public open space will be provided and development will include a range of dwellings and tenures including affordable housing to ensure the development is socially inclusive;
7. Uses - The scheme will be developed to integrate a mix of housing tenures and types to suit people at all stages of life;
8. Homes & Buildings - The dwellings will be well-related to external amenity and public space and built to the national internal space standards;
9. Resources - The layout will be developed to pay regard to the need to maximise solar gain and prevent overlooking & overshadowing. The houses will be built to a high standard of sustainable construction; and
10. Lifespan - The houses will be built to last using high quality materials and will allow for future home working/other changes in personal circumstances. There may be some lifetime homes in the mix.

The proposal results in a change to the character of Shripney Road in this location, but the change does not result in significant harm to the character of this part of Shripney and, on the grounds of density and character, the proposal would not conflict with development plan policies.

HIGHWAYS AND PARKING:

ALP policy T SP1 seeks to ensure development: provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport. In respect of highway safety, it states: "The Council will support transport and development which: explains how the development has been designed to: (i) accommodate the efficient delivery of goods and supplies; (ii) give priority to pedestrian and cycle movements and have access to high quality public transport facilities; (iii) create safe and secure layouts for traffic, cyclists and pedestrians whilst avoiding street clutter."

In respect of parking, T SP1 states: "The Council will support transport and development which: Incorporates appropriate levels of parking in line with West Sussex County Council guidance on parking provision and the forthcoming Arun Design Guide taking into consideration the impact of development upon on-street parking". In addition, policy T DM1 requires that new development be located within easy access of established non-car transport modes/routes, contribute to the improvement of such routes & facilities and contribute towards the provision of a joined-up cycle network and Public Rights of Way network.

Para 108 of the NPPF states: "In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: (b) safe and suitable access to the site can be achieved for all users". Regard should be had to para 109 which states: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

As set out elsewhere, the scheme proposes to improve upon the existing vehicular access from Shripney Road and also provide a separate pedestrian only access to link into existing footway to the south. The scheme proposes new crossing points on both Shripney Road and Shripney Lane. Finally, there will be changes to the existing splitter island on the A29 with a new northbound right turn lane into the site and improvements to the existing southbound right turn lane into Shripney Lane.

As set out in the consultation section WSCC Highways have comprehensively assessed the proposals and that changes have been made to enable WSCC to confirm that they have no objections and the access is safe & suitable.

As layout is a reserved matter and there are no details as to the size of the houses or the exact form of parking provision, it is not appropriate to consider parking provision at this time. Instead compliance with the Arun Parking Standards SPD will be considered at the reserved matters stage.

County Highways do not consider that the proposals have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the NPPF (para 109), and there are no transport grounds to resist the proposal. On this basis, the proposal accords with the relevant development plan policies.

TREES:

Arun Local Plan policy ENV DM4 states that "Development will be permitted where it can be demonstrated that trees protected by a Tree Preservation Order(s), (TPO) identified as Ancient Woodland, in a Conservation Area or contributing to local amenity, will not be damaged or destroyed now and as they reach maturity".

Policy ES6 of the BNDP states that: "Development that damages or results in the loss of ancient trees/trees of arboricultural and amenity value or loss of significant ground cover and habitat will be resisted. Development proposals must be designed to retain wherever possible ancient trees or trees of good arboricultural and amenity value. Proposals should be accompanied by a tree survey that establishes the health and longevity of any affected trees and a management plan to demonstrate how they will be so maintained."

The Councils Tree Officer has not responded to the application. However, as layout is a reserved matter, and in approving this application, the Council would not be sanctioning any damage to trees in the site, it is not considered necessary for this advice to be received. It would be appropriate for the Tree Officer to be involved at the reserved matters stage. The most important trees have been protected by a Tree Preservation Order.

On this basis the development complies with the relevant policies but that a more thorough analysis will be required at the reserved matters stage.

BIODIVERSITY:

ALP policy ENV DM5 states: "Development schemes shall, in the first instance, seek to achieve a net gain in biodiversity and protect existing habitats on site. They shall also however incorporate elements of biodiversity including green walls, roofs, bat and bird boxes as well as landscape features minimising adverse impacts on existing habitats (whether designated or not)."

There are no policies in the BNDP relevant to ecology but para 175 of the NPPF states: "If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative

site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;"

The application is accompanied by a Preliminary Ecological Appraisal Report, a Bat Activity Survey report, a Further Bat Activity Survey report and a Hazel Dormouse Survey report. These documents have been appraised by the Councils ecologist who raises no objection to the development. A number of mitigation measures will be secured by conditions.

Subject to mitigation measures secured by planning condition, the development accords with ALP policy ENV DM5 and with the guidance in the NPPF in relation to the impact on protected species and the potential for the scheme to protect existing habitats where possible and to provide enhancements. The enhancements together with the retention of existing hedgerows/trees combine to provide an overall net gain in site biodiversity.

RESIDENTIAL AMENITY:

Arun Local Plan policy D DM1 requires the Council have regard to certain aspects when considering new development including: (3) Impact - "Have minimal impact to users and occupiers of nearby property and land. For example, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance." Policy QE SP1 states the Council will ensure that development does not have a significantly negative impact upon residential amenity. It is necessary to have regard to para 127 (f) of the NPPF which states that planning policies and decisions should ensure that developments create places that have a high standard of amenity for existing and future users.

The Council has an emerging Design Guide which has completed its consultation stage (09/01/20 to 21/02/20) and which sets out guidance on garden sizes and interface distances between houses.

It is not possible to make a detailed assessment of residential amenity as layout, scale and appearance are reserved matters. The indicative layout does set all houses in from boundaries and it can be reasonably concluded that the two neighbouring houses will have their amenities protected.

Subject to a more detailed consideration of privacy issues at the reserved matters stage, it is not considered there would be conflict with policies D DM1, QE SP1 or para 127 of the NPPF.

AFFORDABLE HOUSING:

Developments over 11 residential units require a minimum provision of 30% affordable housing on site as per ALP policy AH SP2. The Councils Housing Strategy and Enabling Officer requires that 14 affordable dwellings be secured with a tenure split of 11 rented and 3 intermediate homes. This affordable housing provision will be secured by a S.106 legal agreement and on this basis, the proposal will accord with policy AH SP2.

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.

The Councils supplementary planning document (SPD) "Open Space, Playing Pitches, Indoor and Built Sports Facilities" (January 2020) sets out a requirement for 3,238m² worth of on-site public open space (POS) and an on-site equipped play facility of 557m². The Councils Landscape Officer raises no objections to the outline application or to the illustrative layout. The on-site POS and play will be secured through a S.106 Agreement together with the relevant management & maintenance regime.

It is not appropriate to provide on-site playing pitch or indoor sport/leisure provision on a site of this size and it not possible to secure any off-site contributions for such through a Section 106 Agreement as this site is liable for CIL. The Council will be able to make a bid for a portion of the CIL payments collected to contribute to such provision elsewhere in the district. The proposal accords with ALP policy OSR DM1.

SUPPORTING INFRASTRUCTURE:

Arun Local Plan policy INF SP1 states: "The Local Planning Authority will support development proposals which provide or contribute towards the infrastructure and services needed to support development to meet the needs of occupiers and users of the development and the existing community" and "Any on-site provision or financial contribution required to address unacceptable impacts must meet the statutory tests for planning obligations required by Regulation 122 of the Community Infrastructure Regulations 2010."

The introduction of CIL it is no longer possible to secure financial contributions for off-site projects through a Section 106. This development is CIL liable and will be subject to a rate of £100 per square metre to be collected upon the commencement of development.

Infrastructure providers such as WSCC and the NHS can make a bid for a portion of the CIL payments collected to spend on their own projects. The Parish Council will be provided a portion of the CIL receipts. These payments go towards providing the infrastructure that the district needs to support existing and future development. On this basis, there is no conflict with ALP policy INF SP1.

SUMMARY:

The principle of development on this site is contrary to the policies in the development plan. These policies have reduced weight as the Council are not able to demonstrate an adequate supply of housing land. The proposal represents sustainable development and the NPPF presumption in favour of sustainable development is engaged. It is vital to consider additional sustainable housing developments to contribute to housing land supply given the current severe shortfall and to improve housing delivery rates.

This site has existing residential development on three sides and is close to both the Built-Up Area Boundary to the south (North Bognor Regis) and to a site with extant outline permission for dwellings to the north. The site allows for occupants to walk, cycle or take a bus to access nearby shops, services and places of employment. It is a logical choice for residential development. The development would alter the character of this part of Shripney Road, but it is not considered this would be result in any significant harm.

There are no any other issues as highlighted above which warrant a refusal on grounds of principle or access. Matters of design will be considered at the reserved matters stage.

The recommendation to approve with conditions is subject to a S.106 agreement which at the time of writing, has not yet been signed. It is requested that delegated authority be granted for the approval of planning permission, to the Group Head of Planning for a decision to be issued once the legal agreement has been signed.

If the Section 106 is not signed within 4 months, it is agreed that the application shall be refused for the following 2 reasons:

(1) In the absence of a signed Section 106 agreement, the development fails to make any affordable

housing provision and is thereby contrary to the aims and objectives of the National Planning Policy Framework (in particular paragraphs 62-64) and policy AH SP2 of the Arun Local Plan.

(2) In the absence of a signed Section 106 agreement, the development makes no provision for on-site public open space or children's play equipment (and no provision for maintenance of such either) and is thereby contrary to the aims and objectives of the National Planning Policy Framework (particularly paragraphs 96-101), policy OSR DM1 of the Arun Local Plan and the Council's supplementary planning document "Open Space, Playing Pitches, Indoor and Built Sports Facilities" (January 2020).

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

SECTION 106 DETAILS

This decision will be granted in accordance with a Section 106 agreement relating to:

(1) Affordable Housing - Up to 14 dwellings with a tenure split of 75% rented and 25% intermediate housing. To be provided not later than 50% occupation of the development.

(2) On-site Local Play - A Local Equipped Area of Play (LEAP) to be provided on the site together with either a management plan (if to be private) or a £30,000 contribution (if adopted by the LPA).

(3) On-site Public Open Space (POS) - Provision of sufficient on-site POS together with either a management plan (if to be private) or a £54,664 contribution (if adopted by the LPA).

CIL DETAILS

The development will be subject to a CIL contribution to be determined at the future reserved matters application stage.

RECOMMENDATION

APPROVE WITH SECTION 106 AGREEMENT

1 The 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 must be made not later than the expiration of 3 years beginning with the date of this permission:-

- (a) Layout;
- (b) Scale;
- (c) Appearance; and
- (e) Landscaping.

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 The development hereby permitted shall be begun either before the expiration of 5 years from the date of this permission, or before expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

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 The development including the access hereby approved shall be carried out in accordance with the following approved plans:

DLA.1948.L.02 Rev S04 "Application Boundary" (Location Plan);
1845-07 "Site Access - Access Composite";
1845-09 Rev B "Proposed Access Arrangements and Shripney Road Pedestrian Crossing Improvements";
1845-10 Rev B "Proposed Access Arrangements and Pedestrian Crossing Improvements";
1845-TR04 Rev A "Refuse Swept Path Analysis - Revised Site Access Arrangement"; and
1845-TR07 Rev B "Shripney Lane Improvements - Swept Path Analysis - 10.98m Rigid Vehicle".

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

4 The preparation and development of the site must be carried out in accordance with the protection and mitigation measures as set out within the submitted Soil Resource Plan within the document "Appraisal of Agricultural Land Quality and a Soil Resource Plan" by Reading Agricultural Consultants and dated March 2020. The soil protection/mitigation measures shall be implemented as per the document and then permanently adhered to throughout the construction process.

Reason: In accordance with Arun Local Plan policy SO DM1 and the National Planning Policy Framework.

5 The site should be continually managed from the date of the decision in order to ensure that the site remains unsuitable for reptiles. If this is not possible then a precautionary approach

should be taken within the site at the point of development commencement with regards to reptiles.

Reason: In accordance with the NPPF and policy ENV DM5 of the Arun Local Plan.

- 6 At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low carbon energy sources (as described in the glossary at Annex 2 of the National Planning Policy Framework) unless it can be demonstrated that a fabric-first approach would achieve an equivalent energy saving. Details and a timetable of how this is to be achieved for each phase or sub phase of development, including details of physical works on site, shall be submitted to and approved in writing by the Local Planning Authority before any development in that phase or sub phase begins. The development shall be implemented in accordance with the approved details and timetable and retained as operational thereafter.

Reason: In order to secure on site renewable energy in accordance with national planning policy, in accordance with policy ECC SP2 of the Arun Local Plan.

- 7 No development shall take place, including any works of demolition, until a Construction & Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority (who shall consult with West Sussex County Council and the Councils Environmental Health Officers). Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:

- An indicative programme for carrying out of the works;
- Details of the arrangements for public engagement / consultation both prior to and continued liaison during the construction works;
- Measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method of piling for foundations, the careful selection of plant and machinery and use of noise mitigation barrier(s);
- Details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination;
- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- Measures to control the emission of dust and dirt during construction; and
- A scheme for recycling / disposing of waste resulting from demolition and construction works.

Reason: In the interests of the safety/amenity of nearby residents & occupiers of any nearby noise sensitive premises, the safety & general amenities of the area and in the interests of highway safety in accordance with policies D DM1, QE SP1, QE DM1, QE DM2, QE DM3 and T SP1 of the Arun Local Plan and the National Planning Policy Framework. This is required to be a pre-commencement condition because it is necessary to have the site set-up agreed prior to access by construction staff.

- 8 Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved

in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and winter Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage. No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

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

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W DM1, W DM2 and W DM3 of the Arun Local Plan. And to ensure that the duties and responsibilities, as required under the Land Drainage Act 1991, and amended by the Flood and Water Management Act 2010, can be fulfilled without additional impediment following the development completion. It is considered necessary for this to be a pre-commencement condition to protect existing watercourses prior to the construction commencing.

- 10 Development shall not commence until full details of the maintenance and management of the surface water drainage system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include details of financial management and arrangements for the replacement of major components at the end of the manufacturer's recommended design life. Upon completed construction of the surface water drainage system, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W DM1, W DM2 and W DM3 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition to ensure that the future maintenance and funding arrangements for the surface water disposal scheme are agreed before construction commences.

- 11 Prior to the commencement of construction works, details of a proposed foul drainage system shall be submitted to and approved in writing by the Local Planning Authority (including details of its siting, design and subsequent management / maintenance) and no dwelling shall be occupied until works for the disposal of sewage 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 policy W DM1 (2) (b) of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the foul water drainage system prior to commencing any building works.

- 12 No development shall commence until a mitigation method statement has been submitted to and approved in writing by the Local Planning Authority to provide details of how the existing hedgerows are to be retained, protected and enhanced. There must be a 5m buffer zone in place secured by fencing around the hedgerows during construction. The development shall thereafter proceed in accordance with the approved hedgerow protection and enhancement measures.

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

- 13 No development shall take place until a wildlife enhancement/mitigation plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter proceed in accordance with the approved enhancement and mitigation measures. The Plan shall provide details as appropriate but including the following:

- Any trees removed should be replaced at a ratio of 2:1;
- Filling any gaps in tree lines or hedgerows with native species;
- Gaps included at the bottom of any fences/walls to allow movement of small mammals across the site;
- Wildlife pond;
- Wildflower meadow planting used;
- Bat bricks are integrated into any buildings facing south/south west and positioned 3-5m above ground;
- A variety of bird boxes to be installed on site within the trees and new buildings;
- Grassland areas managed to benefit reptiles; and
- Log piles placed on site.

Reason: In accordance with the NPPF and policy ENV DM5 of the Arun Local Plan. This is required to be a pre-commencement condition because some of the mitigation/enhancement measures may need to be installed on the site during the works of construction.

- 14 Prior to the commencement of the development hereby approved, a scheme shall be submitted to demonstrate that the internal noise levels within the residential units 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. The scheme shall also demonstrate that the external noise levels within the curtilage of residential units will conform to the "Design criteria for external noise" upper guideline value of 55 dB LAeq,T as specified within section 7.7.3.2 of BS 8233:2014. Details shall be compiled 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 shall then be carried out in accordance with the approved details prior to occupation of the dwellings and be permanently retained as fit for purpose thereafter.

Reason: To protect the amenity of local residents in accordance with Policy QE DM1 of the Adopted Arun Local Plan 2011 - 2031.

- 15 Prior to the commencement of the development hereby approved an acoustic report assessing the impact of the electricity substation on the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The report shall address the issue of noise (including low frequency noise) and vibration from the station to ensure that there is no adverse effect to residential properties. The scheme shall ensure that the low

frequency noise emitted from the substation is controlled so that it does not exceed the 'Low Frequency Criterion Curve' for the 10 to 160 Hz third octave bands inside residential accommodation as described in the DEFRA funded University of Salford Manchester guidance document entitled 'Procedure for the Assessment of Low Frequency Noise Complaints' (NANR45 Rev.1 - December 2011). Any approved mitigation measures shall thereafter be provided in accordance with the approved details prior to occupation of the dwellings and be permanently retained as fit for purpose thereafter.

Reason: To protect the amenity of local residents in accordance with Policy QE DM1 of the Adopted Arun Local Plan 2011 - 2031.

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

Reason: New petrol, diesel and hybrid cars/vans will not be sold beyond 2035, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with policy QE DM3 (c) of the Arun Local Plan, the Arun Parking Standards SPD and the National Planning Policy Framework.

- 17 No part of the development shall be first occupied until visibility splays of 2.4 metres by 124.2 metres to the south and 2.4 metres by 120 metres to the north have been provided at the proposed site vehicular access onto Shripney Road in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

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

- 18 No part of the development shall be first occupied until such time as a Travel Plan Statement has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan Statement shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

Reason: To encourage and promote sustainable transport in accordance with policies T SP1 & T DM1 of the Arun Local Plan and the National Planning Policy Framework.

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

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

- 20 Noise from any on-site pumping stations shall not exceed 45dB LAeq (15mins) with no tonal components evident at the boundary of the nearest noise sensitive property. When assessed by a competent acoustic engineer, the Vibration Dose Value (VDV) shall not exceed the applicable 'low probability of adverse comment' level for the test environment in question (i.e.

residential buildings, offices, workshops) contained within BS 6472-1:2008 (Guide to evaluation of human exposure to vibration in buildings - Part 1: Vibration sources other than blasting) inside the nearest property. A test or prediction of the noise levels and a test or estimation of the expected vibration environment to demonstrate compliance with the levels shall be undertaken within 3 months of the development being implemented and then submitted to the Local Planning Authority for approval in writing. Any approved mitigation measures shall thereafter be provided in accordance with the approved details and be permanently retained as fit for purpose thereafter.

Reason: To protect the amenity of local residents in accordance with Policy QE DM1 of the Adopted Arun Local Plan 2011 - 2031.

- 21 Prior to the occupation of any part of the development, a strategy for the provision of the highest available headline speed of broadband provision to future occupants of the site shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall take into account the timetable for the delivery of 'superfast broadband' (defined as having a headline access speed of 24Mb or more) in the vicinity of the site (to the extent that such information is available). The strategy shall seek to ensure that upon occupation of a dwelling, the provision of the highest available headline speed of 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 frontage thresholds to dwellings that abut the highway. Unless evidence is put forward and agreed in writing by the Local Planning Authority that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure, the development of the site will continue in accordance with the approved strategy.

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

- 22 Prior to the occupation of any part of the development, full details of new external lighting shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the predictions of both horizontal illuminance across the site and vertical illuminance affecting immediately adjacent receptors. The lighting installation shall comply with the recommendations of the Institution of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Obtrusive Light" (GN01:2011). The scheme shall also minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding.

Prior to occupation, the predicted illuminance levels shall be tested by a competent person to ensure that the illuminance levels agreed in the scheme are achieved. Where these levels have not been met, a report shall demonstrate what measures have been taken to reduce the levels to those agreed within the application scheme. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

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

- 23 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 170 of the National Planning Policy Framework and policy QE DM4 of the Arun Local Plan.

- 24 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 25 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 percolation tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 40% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers. Supplementary guidance notes regarding surface water drainage are located here <https://www.arun.gov.uk/surfacewater> on Arun District Councils website. A surface water drainage checklist is available here <https://www.arun.gov.uk/drainagechecklist> on Arun District Councils website, this should be submitted with a Discharge of Conditions Application.
- 26 INFORMATIVE: Under Section 23 of the Land Drainage Act 1991 Land Drainage Consent must be sought from the Lead Local Flood Authority (West Sussex County Council), or its agent (Arun District Council land.drainage@arun.gov.uk), prior to starting any works (temporary or permanent) that affect the flow of water in an ordinary watercourse. Such works may include culverting, channel diversion, discharge of flows, connections, headwalls and the installation of trash screens.
The development layout must take account of any existing watercourses (open or culverted) to ensure that future access for maintenance is not restricted. No development is permitted within 3m of the bank of an ordinary watercourse, or 3m of a culverted ordinary watercourse.
- 27 INFORMATIVE In the interests of crime prevention and deterrence, the development should incorporate security measures in accordance with the consultation advice of Sussex Police (dated 03/12/19) as available on the Councils website.
- 28 INFORMATIVE: The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received.
- 29 INFORMATIVE: The Reserved Matters submission should include an air quality assessment and details of mitigation as required. The applicant should follow the Air Quality & Emissions Mitigation Guidance for Sussex (2019), available at: <https://www.arun.gov.uk/download.cfm?doc=docm93jjm4n14025.pdf&ver=14269>. This countywide adopted guidance states that where a major sized development is proposed a number of checklists should be followed in order to determine the likely impact of the proposed

development on air quality. The intention of the guidance is to identify any air quality impacts through an impact assessment and ensure the integration of appropriate mitigation into a scheme at the design stage, so the damage costs on health can be properly mitigated. The air quality impact assessment can follow the procedures contained within the Institute of Air Quality Management (IAQM) Guidance entitled: 'Land-Use Planning & Development Control: Planning For Air Quality' (January 2017), available at: <http://www.iaqm.co.uk/text/guidance/air-quality-planning-guidance.pdf>.

- 30 INFORMATIVE: The landscape details referred to in Condition 1 shall include:
- a full hard and soft landscape scheme detailing species choice, position, actual quantities, densities and size at time of planting. This should be plotted in plan and list form and in relation to the trees and vegetation to be retained so that a clear picture of the proposals can be seen;
 - details of all existing trees and hedgerows on the land indicating which are to be retained and which removed;
 - full details of the position, design, materials, height and type of boundary treatments to be provided; and
 - a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscape areas other than privately owned domestic gardens.
- 31 INFORMATIVE: Detailed plans and particulars of the Reserved Matters submitted to the Local Planning Authority for approval pursuant to condition 1 shall include a housing mix which sets out a range of range of house types and tenures and is specific to Bersted. The scheme should demonstrate how the development addresses the needs of current and future households in the Bersted area. The scheme shall also ensure that 25% of any 1, 2 or 3 bed dwellings included as part of the development are delivered to Lifetime Home Standards (or the equivalent current standard).
- 32 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.
- 33 INFORMATIVE A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read the New Connections Services Charging Arrangements documents which is available to read on the SW website via the following link <https://beta.southernwater.co.uk/infrastructurecharges>.
- 34 INFORMATIVE: The applicant is advised that the erection of temporary directional signage should be agreed with the Local Traffic Engineer prior to any signage being installed. The applicant should be aware that a charge will be applied for this service.
- 35 INFORMATIVE: The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
- 36 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to:

(1) Affordable Housing

14 dwellings with a tenure split of 75% rented and 25% intermediate housing. To be provided not later than 50% occupation of the development.

(2) On-site Local Play

A Local Equipped Area of Play (LEAP) to be provided on the site together with either a management plan (if to be private) or a £30,000 contribution (if adopted by the LPA).

(3) On-site Public Open Space (POS)

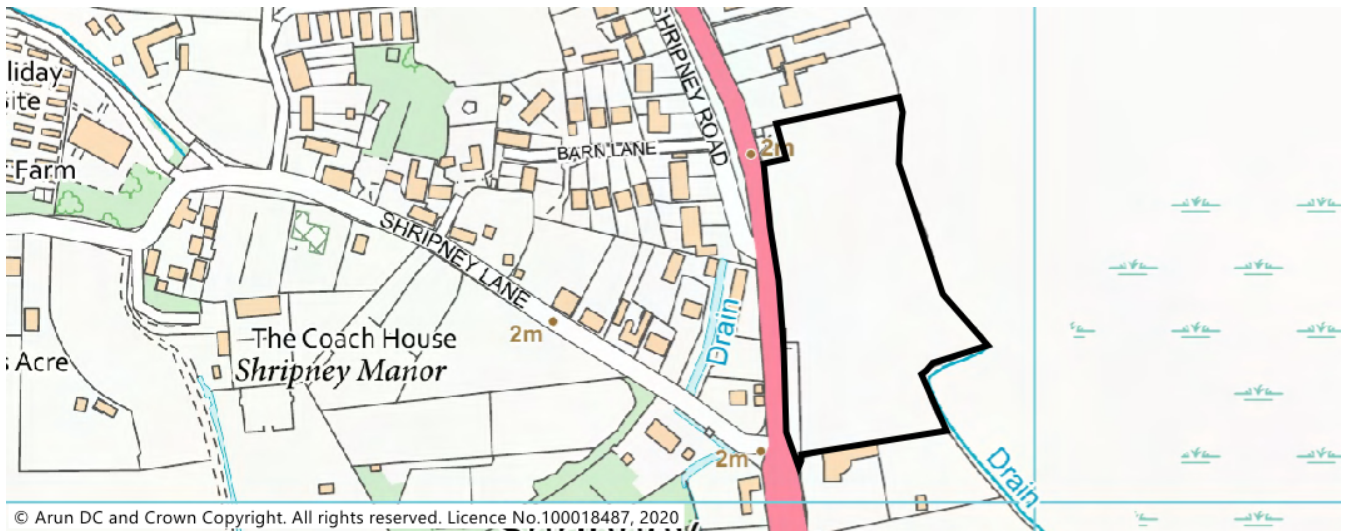
Provision of sufficient on-site POS together with either a management plan (if to be private) or a £54,664 contribution (if adopted by the LPA).

37 INFORMATIVE: In addition to the Section 106 Legal Agreement, this application would also be liable for CIL in accordance with the Councils CIL Charging Schedule available to view at: <https://www.arun.gov.uk/cil>.

BACKGROUND PAPERS

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

BE/109/19/OUT - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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