

PLANNING APPLICATION REPORT

REF NO: BE/137/19/RES

LOCATION: The Cottage  
Shripney Road  
Bognor Regis  
PO22 9PA

PROPOSAL: Application for approval of phase 2 reserved matters following outline permission BE/63/17/OUT (as amended by BE/131/18/PL) for 20 No. dwellings.

<b>SITE AND SURROUNDINGS</b>
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DESCRIPTION OF APPLICATION	<p>Reserved matters for 20 dwellings with associated parking, road/footway provision, open space, landscaping and ancillary works. Approval of scale, layout, external appearance and landscaping are sought. Access was approved at the outline stage.</p> <p>The scheme includes 1 &amp; 2 bed flats and 2, 3 &amp; 4 bed houses. The mix is shown on the "Proposed Site Plan" (drawing 003 Rev P7). The 6 flats will be affordable in accordance with the requirements of the S.106 Agreement attached to the outline permission. The houses will be two storeys in height. The flatted building has rooms in its roof and can be described as two and a half storeys.</p> <p>Parking provision comprises a mix of car ports, tandem spaces, on-street visitor spaces and a parking area for the flats with a total of 47 spaces (including 9 visitor spaces). No garages are proposed. There is a cycle store attached to the east side of the flatted building. All other cycle storage will be in car ports or secure sheds in gardens. A condition will be imposed to agree the details of this.</p> <p>It is stated bins will be stored in domestic gardens and this is an appropriate solution. The flatted building has its own external bin store and a specification is provided. There is no lighting scheme but this will be covered by condition 20 of the outline permission. Electric charge points are indicated although these will be assessed through the discharge of condition 17 on the outline permission.</p> <p>The layout includes two areas of Public Open Space (POS) totalling 1,333m<sup>2</sup>. The flats have their own area of amenity space to the rear and there is a 5m deep planted buffer along the east boundary. Trees along the boundaries and in the POS are retained. The landscaping scheme shows the</p>
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planting of 19 trees. Timber fencing is shown with a mix of 1.8m, 1m and 0.4m depending on site situation.

SITE AREA

0.72 hectares.

RESIDENTIAL DEVELOPMENT DENSITY 28 dwellings per hectare.

TREES

There are 72 surveyed trees or groups of trees on or near the site. Two Tree Preservation Orders (TPO) have been made in respect of the site.

TPO/BE/1/17 refers to T1 - a Common Ash Tree west of the existing dwelling/close to the existing site access; T2 - a Pedunculate Oak Tree on the eastern boundary; and G1 - a group of two Lebanon Cedars to the south of the existing dwelling. This TPO was confirmed on the 20th September 2017.

TPO/BE/2/17 refers to T1-T3 - three Sycamore Trees located on or immediately adjacent to the footpath which crosses the site; and T4 - a Beech Tree located in the rear garden of Royce Cottage to the south. This TPO was confirmed on the 29th November 2017.

SITE CHARACTERISTICS

The site borders the hotel to the north and comprises an existing one and a half storey dwelling surrounded by land formerly used for horticulture and personal sheep grazing. There is a touring caravan and several single storey buildings on site including three disused greenhouses, a detached garage and sheds. There is a half built two storey building in the south east corner. There is a dry ditch and bund to the east boundary and the remains of a dry pond. There is gated access from Shripney Road. A footpath runs adjacent to the south boundary connecting Shripney Road on its west side to a footpath crossing the field on the east side enabling access to Sack Lane to the north east.

CHARACTER OF LOCALITY

Semi-rural character but with detached dwellings on both sides of Shripney Road. To the north lies the Robin Hood Pub & Hotel. Car parking is situated between the hotel and the shared boundary. To the south lies an empty parcel of land which has outline permission for a single dwelling to replace the dwelling lost on this site. To the east is open arable fields. On the western side is Shripney Road with houses beyond. Surrounding built form is mixed between one and two storey buildings.

<b>RELEVANT SITE HISTORY</b>
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BE/69/19/OUT

Outline planning application with all matters reserved except access for up to 31 No. houses and flats with car parking, landscaping and associated infrastructure & access off Shripney Road (A29), all following the

Refused  
10-10-19

demolition of the existing dwelling & outbuildings - This application is a Departure from the Development Plan

BE/58/19/RES      Application for approval of reserved matters following      ApproveConditionally  
outline permission BE/63/17/OUT & variation of condition      04-10-19  
BE/131/18/PL for replacement dwelling at the southern  
end of site (Phase 1)

BE/63/17/OUT      Outline planning application with some matters reserved      App Cond with S106  
(Access only) for 20No. houses & flats, 1No. replacement      18-01-18  
dwelling (21No. units in total) with car parking,  
landscaping & associated infrastructure & access off  
Shripney Road (A29) and new footway both along the  
site frontage and across the A29 traffic island, all  
following the demolition of the existing dwelling &  
outbuildings. This application is a Departure from the  
Development Plan

BE/63/17/OUT was granted in January 2018 for development with 20 new homes plus a replacement dwelling on the land to the south of the footpath. This permission was amended by BE/131/18/PL so the replacement dwelling could be developed separately to the 20 dwellings. BE/58/19/RES was an approval of reserved matters for the replacement dwelling on the other side of the footpath.

BE/69/19/OUT for up to 31 dwellings was refused in October 2019 due to concerns of overdevelopment and there would be insufficient amenity space and car parking. This was recently allowed on appeal. The applicant confirms they wish to have application BE/137/19/RES determined.

## REPRESENTATIONS

### REPRESENTATIONS RECEIVED:

Bersted Parish Council

Bersted Parish Council

OBJECT:- (a) the width of the estate road is not wide enough making it difficult for refuse or emergency vehicles to turn safely in the development and thus avoid reversing onto the A29; (b) layout does not incorporate any electric charging facilities; (c) layout does not give priority to pedestrian and cycle movements or have access to high quality public transport facilities and (d) the proposed 2.5 storey dwellings do not connect visually/integrate with the surrounding dwellings.

No comments from local residents.

### COMMENTS ON REPRESENTATIONS RECEIVED:

The applicant provided a revised plan to widen the block paving turning head to 4.8m to enable a refuse vehicle to turn more comfortably. The layout has been checked and agreed by the Council's Cleansing Operations Manger. The same plan shows electric vehicle charging points to meet ADC standards.

Matters relating to the location & sustainability and public transport improvements were considered at outline stage and cannot be reconsidered. The Local Planning Authority is only able to determine this application on matters of design, scale, site layout and landscaping. The height of the dwellings will be considered in the report's conclusions.

<b>CONSULTATIONS</b>
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Highways England  
WSCC Strategic Planning  
Environment Agency  
Natural England  
Surface Water Drainage Team  
Environmental Health  
Parks and Landscapes  
Arboriculturist  
Surface Water Drainage Team  
Planning and Housing Strategy  
Sussex Police-Community Safety  
Engineering Services Manager  
Engineers (Drainage)  
Archaeology Advisor  
Ecology Advisor  
NHS Coastal West Sussex CCG

**CONSULTATION RESPONSES RECEIVED:**

HIGHWAYS ENGLAND - No objection.

NATURAL ENGLAND - Make no comment.

WSCC HIGHWAYS - No objection in principle, no recommended conditions but the following concerns:

- Tracking of a 9.86m refuse vehicle is very tight to the kerb with very little margin for error;
- ADC Cleansing must confirm that correct refuse vehicle dimensions have been applied and that the collection arrangements are acceptable;
- Road width to parking courts (at 4.5m) should be widened to allow a refuse vehicle to turn on site;
- Visitor parking spaces north of plot 20 will potentially be more convenient for those residents of plots 17-20 as opposed to them using allocated spaces to the rear of these plots and this would reduce the amount of visitor parking. Request timed restrictions to prevent this; and
- There is no mention of Electric Vehicle charge points.

WSCC FIRE & RESCUE - Request a condition to secure 1 fire hydrant on the site.

COUNCIL'S ECOLOGIST - No objections. Requests condition to secure mitigation and enhancement measures in respect of bats, reptiles, nesting birds and small mammals.

ADC ENVIRONMENTAL HEALTH - Make no comment.

ADC DRAINAGE ENGINEERS - Initially objected as attenuation & discharge to boundary ditches was proposed whereas infiltration must be considered first. Inadequately considering drainage at this stage could potentially result in a lack of sufficient capacity being provided for surface water drainage and the development could lead to increased risk of flooding elsewhere. Also noted that an infiltration basin appears to be located in the public open space and Greenspace officers should be consulted.

Subsequent comments suggested a hybrid drainage scheme will need to be considered to include infiltration where possible, restricted discharge to watercourses at QBAR rates, permeable paving on driveways, fragmented use of crates and off-site improvements. Stated that if agreement cannot be reached then a change to the layout might be required.

ADC LANDSCAPE OFFICER - No objection to landscape detailing but object to the infiltration basin being part of the Public Open Space provision. The strip of land behind the flats cannot be considered as Public Open Space.

ADC TREE OFFICER - Initially objected on the grounds that the layout differed from that shown at the outline stage with greater Root Protection Area (RPA) incursion at plots 01-06, 11 & 16 and that this is unacceptable. Also considered the T33 Sycamore at plot 16 to have future pressure exerted on it for pruning/felling which will diminish its landscape contribution. Concerned with impact of the frontage footpath on T35 (TPO Sycamore). Noted lack of an agreed drainage scheme and consider this and the proposed foul sewer drains could result in further impacts.

#### **COMMENTS ON CONSULTATION RESPONSES:**

All comments noted unless discussed further below:

WSCC HIGHWAYS - the applicant amended the road width at the parking court entrances to 4.8m. The applicant confirms the layout has been tracked for a large 3 axle refuse vehicle (9.860m L by 2.450m W). Highways stated they could not confirm if the changes were acceptable and advised to seek advice from the Arun DC waste collection team.

ADC's Cleansing Operations Manager states the layout has been tracked for the correct size of vehicle.

In response to comments regarding visitor parking spaces, the applicant states this is not an issue and the use of timed restrictions would seem to be heavy handed. The applicant considers residents will prefer to park in the car ports where cars will be protected from the elements and from other cars. Electric vehicle charge points are indicated although these are covered by a condition on the outline permission.

COUNCIL's ECOLOGIST - The response is essentially the same as at Outline and conditions 5, 18 & 21 of the Outline permission cover the requirements.

ADC DRAINAGE ENGINEERS - The applicant is discussing the matter with the Council's engineers. If the application is approved without an agreed drainage scheme this would be agreed through the discharge of drainage conditions from the outline permission. If it becomes clear the drainage condition cannot be agreed due to the layout not providing sufficient space then the applicant would need to submit a new Reserved Matters application. The reserved matters application can be determined without the drainage information and despite any objections of drainage engineers.

ADC LANDSCAPE OFFICER - The infiltration basin has been removed from the scheme and the strip of land behind the flats removed from the Public Open Space calculation.

ADC TREE OFFICER - The Tree officer has been re-consulted on the amended layout and supporting documents and the response will be reported to the Committee. The Tree Officer has provided informal comments to the layout change and stated that it was now supportable subject to further consideration of the revised Arboricultural Impact Assessment and Method Statement.

## POLICY CONTEXT

Designations applicable to site:

Outside the Built Up Area Boundary;  
Class A Road;  
Special Control of Adverts;  
Tree Preservation Orders (TPO/BE/2/17 & TPO/BE/2/17);  
Flood Zone 1; and  
Future Flood Zone 3a by 2111.

## DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
GISP1	GI SP1 Green Infrastructure and Development
HDM1	H DM1 Housing mix
OSRDM1	Protection of open space, outdoor sport, comm& rec facilities
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QEDM3	QE DM3 Air Pollution
QESP1	QE SP1 Quality of the Environment
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management

<u><a href="#">Bersted Neighbourhood Plan 2014 Policy ES1</a></u>	Design of new development
Bersted Neighbourhood Plan 2014 Policy ES2	Surface water management
Bersted Neighbourhood Plan 2014 Policy ES5	Building design
Bersted Neighbourhood Plan 2014 Policy ES6	Protection of trees
Bersted Neighbourhood Plan 2014 Policy HDQ2	Integration of new housing
Bersted Neighbourhood Plan 2014 Policy HDQ5	Design of new housing development
Bersted Neighbourhood Plan 2014 Policy HDQ6	Outdoor space
Bersted Neighbourhood Plan 2014 Policy HDQ7	Attention to detail

Bersted Neighbourhood Plan 2014 Policy HDQ8 Car parking

#### PLANNING POLICY GUIDANCE:

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

#### SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
SPD12	Open Space, Playing Pitches & Indoor & Built Sports Facilities

#### 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 is considered to comply with relevant Development Plan policies in that it would result in a development of an appropriate scale, layout and appearance which is not harmful to the character & appearance of the area, the existing trees of amenity value or the amenities of existing residents.

#### OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

#### CONCLUSIONS

##### PRINCIPLE:

The principle of 20 dwellings with a new access from Shripney Road has been established by BE/63/17/OUT, approved in January 2018 and it is only necessary to consider the outstanding details - layout, appearance, landscaping and scale. It is only appropriate to consider development plan policy and material considerations in respect of these reserved matters. Matters relating to flood risk, biodiversity, countryside location, highway safety, sustainable transport measures, foul drainage (the principle of 20 new dwellings connecting to the network), children's play and infrastructure were all

considered at the outline stage and will be dealt with through the appropriate conditions.

#### LAYOUT, APPEARANCE AND SCALE:

Policy D DM1 of the Local Plan (ALP) requires the Council seek to make the best possible use of the available land by reflecting or improving upon the character of the site and the surrounding area. It also 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 housing makes efficient use of land while providing a mix of dwelling types and maintaining character and local distinctiveness. D SP1 "Design" requires development to make efficient use of land and reflect local character.

BNDP policies ES1, ES5, HDQ2 and HDQ5 are all relevant. Policy ES1 states: "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 building design contribute positively to the historic character of Bersted. Policy HDQ2 states "Proposals for new housing must ensure that the new homes are well connected to the surrounding area and visually integrated with their surroundings." HDQ5 requires new housing is of a high quality and is designed to reflect local character.

Para 127 of the NPPF states "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 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 Council's emerging Design Guide has recently been through a consultation process (this ended on 21/02/20). The National Design Guide states achieving a well-designed place comes about through making the right choices at all levels, including the layout (or masterplan), the form and scale of buildings, their appearance, landscape, materials and their detailing. It sets out ten characteristics of beautiful, enduring and successful places: Context, Identity, Built form, Movement, Nature, Public spaces, Uses, Homes & Buildings, Resources and Lifespan.

The layout is essentially the same as the indicative scheme shown in the Outline application with the differences being in respect of the shape and footprint of buildings. The layout is constrained by the size & shape of the site, the position of the access, trees around boundaries and the need to provide a planted buffer to the east boundary. It is not considered that a different layout could be achieved and the layout in principle is appropriate.

According to the Councils "Open Space, Playing Pitches & Indoor & Built Sports Facilities" SPD, the Public Open Space requirement is 1,408m<sup>2</sup>. The layout provides POS in two areas either side of the access road. The provision is 1333m<sup>2</sup> which is 75m<sup>2</sup> short. The Landscape Officer considers this to be acceptable as the flats have communal amenity space which is around 80m<sup>2</sup>.

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



The Parish Council have concerns with the height of the houses and do not consider that 2.5 storeys is reflective of local character. There are no other instances of homes built with accommodation in the roof. After amendment it is only the flatted building that has this arrangement. This building is tucked away in one corner of the site and this accommodation will not be particularly visible in the Shripney Road streetscene and any visual harm will be minimal. It should be noted that there are no levels changes indicated by the proposal.

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

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

The applicant provided a written response to the National Design Guide and emerging Arun Design Guide in Part 2 of the Design & Access Statement (sections 6.07 & 11.01). The applicant states the proposal is reflective of the guidance these guides and the Council agrees with the assessment.

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

#### LANDSCAPING & TREES:

ALP policy LAN DM1 states: "Development throughout the plan area should respect the particular characteristics and natural features of the relevant landscape character areas and seek, wherever possible, to reinforce or repair the character of those areas." In addition, policy D DM1 requires developments to incorporate new tree planting and to improve upon character through landscaping.

Arun Local Plan policy ENV DM4 states "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 "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 application is accompanied by a soft landscaping plan, hard & soft landscaping plan and planting plans which provide a comprehensive and varied planting scheme. The application is accompanied by an Arboricultural Impact Assessment & Method Statement which sets out measures to protect existing trees

It is proposed to plant 19 trees and new hedgerows particularly bordering the POS, between plots 13 & 14, between plot 10 & the adjacent car ports and to a gap in the southern boundary to the footpath. The scheme proposes the planting of new shrubs, wildflower meadow and flowers. The submission details

hard landscape treatments.

The proposal is subject to an objection from the Tree Officer. The layout has been amended to ensure all of the dwellings are no further into the Root Protection Areas of existing trees than was shown by the indicative layout on the Outline permission. The Tree Officer has advised that on this basis, the proposal is supportable but his formal comments on the latest drawing and supporting documents will be reported at or before the Committee Meeting.

Part of the Tree Officer's objection also concerns the relationship of the new frontage footpath with a TPO Sycamore (T33) situated offsite on the southern side of PROW 151. This footpath is being provided to link the new site access with the PROW footpath to enable connectivity between the two and then beyond to the North to the Robin Hood Public House. It would not be possible to overcome this objection without removing the footpath however, it is not considered that this results in a conflict with policy ENV DM4 as the footpath in question was shown on the access plans approved by the Outline and so is not being determined by this reserved matters application.

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

#### OTHER MATTERS:

The reserved matters have been considered above. There are other issues to consider which relate to the detail of the scheme but which do not neatly fall under the above headings.

#### (A) Housing Mix

ALP policy HDM1 provides for a mix of housing to meet local needs and requires all housing development should provide a mix of dwelling types and sizes to address the nature of local housing needs and market demand. The policy does not prescribe a specific housing mix that must be met by individual applications, with the policy stating that each must be considered on its own merits. The policy preamble (12.2.4) acknowledges that the final mix will be negotiated on a site by site basis, having regard to the most up to date Strategic Housing Market Assessment (SHMA).

The development comprises the following housing mix:

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

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

#### (B) Residential Amenity -

ALP policy D DM1 requires the Council have regard to certain aspects including having minimal impact to users and occupiers of nearby property and land (such as by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance). QE SP1 states the Council will ensure 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 planning policies and decisions should ensure developments create places that have a high standard of amenity for existing and future users.

The Council's emerging Design Guide gives an indication as to what might be acceptable separation distances between habitable rooms. These are as follows:

- Back to Back: min. 21m between habitable rooms of properties or to existing buildings;
- Back/Front to Side: min. 14m between habitable rooms and side gable of adjacent property;
- Front to Front: min. 16m between habitable rooms of properties facing each other;
- Back to Boundary: min. 12m between habitable rooms and site boundary to existing landscaping;

Back to front relationships are not covered by the Guide. On this site these instances are around 25m and this is acceptable. All other relationships meet the standards except between the fronts of plots 8/9 and the side of 20 where the distance is around 13m. As the SPD is guidance and as the shortfall is not significant this is acceptable. Relationships are acceptable to existing residential properties.

The scheme accords with ALP policies D DM1, QE SP1, with the emerging Design Guide and with the guidance in the NPPF on amenity.

#### (C) Parking, Roads and Public Footpaths -

ALP policy T SP1 states in respect of parking that: "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".

The policy states proposals must explain 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;
- (iv) incorporate facilities for charging electric and plug-in hybrid vehicles (where charging facilities are to be omitted from the development, evidence of market demand and viability must be provided); and
- (v) consider the needs of people with disabilities by all modes of transport.

ALP policy T DM1 sets out the need to protect and enhance public pedestrian routes including to enable better access by cyclists. BNDP policy HDQ8 requires a minimum of two spaces per dwelling. It states developments which removes off road parking spaces will not be supported unless alternative provision is made which increases or maintains the number of parking spaces.

The NPPF requires schemes give priority to pedestrian & cycle movements; facilitate access to high quality public transport; address the needs of people with disabilities & reduced mobility; create places that are safe, secure, attractive; avoid unnecessary street clutter; and allow for the efficient delivery of goods and access by service/emergency vehicles.

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

The parking requirement according to the Arun Parking Standards SPD is 46 including 4 visitor spaces.

The scheme shows 47 spaces including 9 visitor spaces meaning a shortfall in allocation for the flats but this is acceptable as (a) the SPD allows for flexibility with flats as not all 1 bedroom flats will be occupied by two car owning people and (b) the overall provision exceeds the requirements.

The proposal accords with ALP policies T SP1 & T DM1, BNDP policy HDQ8 and with the Parking Standards SPD.

(D) Surface Water Drainage -

ALP 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.

The applicant has not been able to reach agreement with the Councils drainage engineers as to the drainage layout. The applicant is confident that their layout will work with the drainage requirements and they have made changes since the first submission such that it is currently with our drainage engineers to state agreement (or not). Drainage is to be agreed through the discharge of relevant conditions on the outline permission and it is therefore acceptable to allow this scheme despite a drainage solution not yet being formally agreed.

The applicant is aware that if this layout is approved and it becomes clear that the drainage condition cannot be agreed due to the layout not providing sufficient space they will need to submit a new Reserved Matters application.

On this basis, there is no conflict with ALP policy W DM3 or BNDP policy ES2.

(E) Internal & External Space Standards -

ALP policy D DM2 states: "The planning authority will require internal spaces to be of an appropriate size to meet the requirements of all occupants and their changing needs. Nationally Described Space Standards will provide guidance". It is therefore necessary to assess the proposal against the internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) to determine if the buildings are suitable for residential use.

The applicant provided a schedule which demonstrates all of the market and affordable dwellings meet the standards.

Paragraph 127 of the NPPF states: "Planning policies and decisions should ensure that developments: (f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience." There are no policies in the ALP relating to garden sizes, however, the emerging Arun Design Guide sets out standards for garden sizes as follows:

- Private Rear Garden: min. 10.5m depth, 50sqm area for two-bedroom homes and 60sqm area for three or more bedroom homes;
- Private Front Garden: min. 2m depth;
- Balconies: max. 2m beyond the building frontage, subject to minimum balcony to balcony distances of 17m. At least 3sqm of useable space; and

- Communal Shared Spaces for flats: minimum 40sqm plus 10sqm for each unit if not provided as balcony space.

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

The standards require 100m<sup>2</sup> of communal amenity space for the flatted building and this is met by the grassed space to the rear of the building. In addition, flat 3 has a large balcony on the west elevation (first floor level) looking towards the road. This is 18m from the road at the closest point so no harm to the amenities of those houses on the other side of the A29.

On this basis the scheme provides a good standard of amenity for future occupiers.

(F) Climate Change -

ALP policy ECC SP2 requires residential and commercial development be energy efficient and should incorporate decentralised, renewable and low carbon energy supply systems. It states that for major developments, 10% of the total predicted energy requirements should be produced from renewable/low carbon energy generation on site, unless it is demonstrated this is unviable. Also that energy efficiency measures will be taken into consideration and that consideration will be given to 'allowable solutions' where it is clearly demonstrated that the provision of on site renewable or low carbon energy generation is unviable or not feasible.

The planning statement submitted sets out the measures to be employed to comply with policy ECC SP2. These are as follows:

- All boilers and appliances within the dwellings will be energy efficient;
- All dwellings will undergo a full Standard Assessment Procedure (SAP) assessment to ensure energy efficiency within the building envelope;
- A 'fabric first approach' will be adopted for the dwellings including high levels of insulation, air tightness and solar gain. This will aim to keep as much heat inside the homes as possible;
- Developers will use highly insulated external fabric and low energy lighting;
- The orientation of buildings and layout of the dwellings maximises the potential for daylight, with natural ventilation provided to all habitable rooms;
- Dual flush toilets/flow restrictor taps will be provided to all bathroom areas to minimise water usage;
- Sustainable drainage techniques will be used where possible to fully disperse surface water, including the use of permeable paving and soakaways; and
- The SAP investigation will conclude if PV is viable, if so the developer will look to install these on each house. If it is not viable they will seek an alternative supply of sustainable energy for the houses.

In order to ensure such measures are implemented, a condition is proposed to require agreement of these details post decision.

Electric vehicle charge points will be required as per the Arun Parking Standards SPD. The applicant has indicated charge points on the site plan however the total shown will not comply with the SPD. As condition 17 on the outline permission requires the submission of the details of charge points, it will be made clear that the charge points are not being approved by this permission and instead the applicant will need to formally discharge the condition.

On this basis, the scheme will comply with policy ECC SP2.

**COMMUNITY INFRASTRUCTURE LEVY (CIL):**

It is not possible to secure CIL as infrastructure contributions have been secured through the S.106 Agreement attached to the outline planning permission.

**SUMMARY:**

There are no materially harmful concerns with the reserved matters scheme and the application accords with development plan policies. It is recommended permission be granted subject to the following additional conditions alongside the conditions imposed on BE/63/17/OUT.

**HUMAN RIGHTS ACT**

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

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

**DUTY UNDER THE EQUALITIES ACT 2010**

Duty under the Equalities Act 2010

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

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

**RECOMMENDATION**

**APPROVE CONDITIONALLY**

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

- Location Plan Dwg 001 Rev P1;
- Proposed Site Plan Dwg 003 Rev P7;
- Hard and Soft Landscape General Arrangement Dwg 100 Rev 03;
- Soft Landscape Layout Dwg 200 Rev 01;
- Detail Planting Plan 1 of 7 Dwg 201 Rev 01;
- Detail Planting Plan 2 of 7 Dwg 202 Rev 01;
- Detail Planting Plan 3 of 7 Dwg 203 Rev 01;

Detail Planting Plan 4 of 7 Dwg 204 Rev 01;  
 Detail Planting Plan 5 of 7 Dwg 205 Rev 01;  
 Detail Planting Plan 6 of 7 Dwg 206 Rev 01;  
 Detail Planting Plan 7 of 7 Dwg 207 Rev 01;  
 Proposed Floor Plans Plots 1-6 Dwg 010 Rev P1;  
 Proposed Floor Plans Plots 7-10 Dwg 011 Rev P2;  
 Proposed Floor Plans Plots 11-13 Dwg 012 Rev P2;  
 Proposed Floor Plans Plots 14-16 Dwg 013 Rev P2;  
 Proposed Floor Plans Plots 17-20 Dwg 014 Rev P4;  
 Proposed Plans and Elevations Plots 1-6 Dwg 020 Rev P1;  
 Proposed Plans and Elevations Plots 7 & 10 Dwg 021 Rev P2;  
 Proposed Plans and Elevations Plots 8 & 9 Dwg 022 Rev P2;  
 Type B Proposed Elevations Plots 11 & 16 Dwg 023 Rev P1;  
 Proposed Plans and Elevations Plots 12-15 Dwg 024 Rev P2;  
 Proposed Plans and Elevations Plots 17-20 Dwg 025 Rev P4;  
 Proposed Streetscenes 1, 2 & 3 Dwg. 030 Rev P2;  
 Proposed Streetscene 4 Dwg. 031 Rev P2;  
 Proposed Site Section A-A Dwg 040;  
 Public Health Services Proposed Foul Drainage Network Dwg 1201 Rev 01; and  
 Public Health Services Proposed Surface Water Drainage Network Dwg 1202 Rev 01.

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

- 2 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 above damp proof course (DPC) level 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 a reduction in energy usage across the site in accordance with national planning policy, in accordance with policy ECC SP2 of the Arun Local Plan.

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

Reason: Hedgehogs were not considered by the mitigation/enhancement measures in the Preliminary Ecological Appraisal approved by BE/63/17/OUT and in accordance with the NPPF and policy ENV DM5 of the Arun Local Plan.

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

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

- 5 Plots 17-20 shall not be occupied unless and until secure gates have been installed in accordance with drawing 6656 PL-031 Rev P2 "Proposed Street Scenes 4, 5" . These gates shall thereafter be permanently retained and maintained in good working condition.

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

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

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

- 7 No construction / demolition activities shall take place, other than between 08:00 to 18:00 hours (Monday to Friday) and 08:00 to 13:00 hours (Saturday) with no works taking place on Sunday or Bank Holidays.

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

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

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

- 9 No windows (other than those shown on the plans hereby approved) shall be constructed in the first floor flank elevations of any of the dwellings hereby approved without the prior permission of the Local Planning Authority on an application in that behalf.

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

- 10 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting this Order) no rear extensions to plots 7-14 & 16 shall be constructed or buildings shall be erected within the curtilage of the same plots unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To maintain adequate private amenity space and minimise future harm to retained trees in accordance with policies D DM1, D SP1 & ENV DM5 of the Arun Local Plan.

- 11 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.

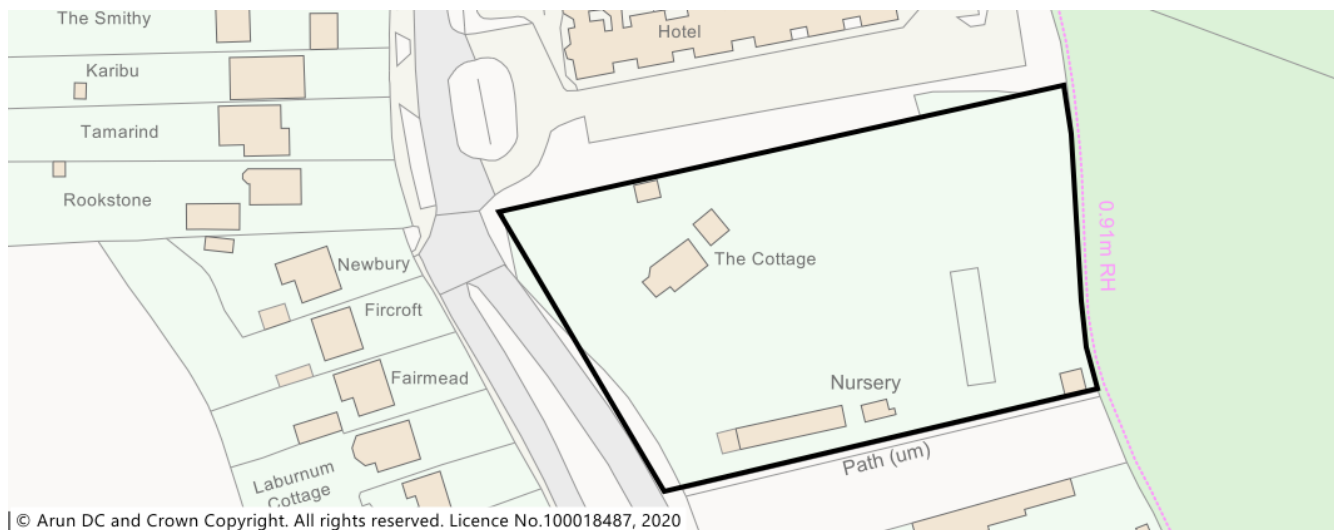
- 12      INFORMATIVE: The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received. For further information, please contact the Environmental Health Department on 01903 737555.
- 13      INFORMATIVE: The applicant's attention is drawn to the requirements of the Environmental Protection Act 1990 and the Clean Air Act 1993 with regard to burning on site. A statutory nuisance may be caused by smoke and ash from fires or noise from the cutting or chipping trees. In addition, air quality could be adversely affected on large projects. The granting of this planning permission does not permit a statutory nuisance to be caused. The Environment Agency should also be contacted regarding Exemption Permits to burn on site.
- 14      INFORMATIVE: The applicant should note that this layout has been approved without agreement by Drainage Engineers to the scheme layout and therefore if it subsequently becomes clear that the drainage conditions cannot be agreed due to the layout not providing sufficient space for drainage then a new Reserved Matters application will need to be submitted as the Local Planning Authority will not be able to agree such changes through the Non Material Amendment process.
- 15      INFORMATIVE: This permission does not in any way discharge condition 17 (electric car charge points) on the outline planning permission and as such you will need to apply separately to discharge this condition. Please ensure that the submission of details complies with the guidance in the SPD which sets out that:

- 100% of parking spaces of houses with a driveway or garage require an active charge point;
- At the current rate until 2023, 20% of all other parking spaces require an active point; and
- Ducting is provided at all remaining spaces where appropriate to provide 'passive' provision for these spaces to be upgraded in future.

<b>BACKGROUND PAPERS</b>
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[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/137/19/RES - Indicative Location Plan (Do not Scale or Copy)**  
**(All plans face north unless otherwise indicated with a north point)**



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