

Recommendation Report for Planning Permission

REF NO: AB/4/18/PL

LOCATION: 1-7 Canada Road
Arundel
BN18 9HZ

PROPOSAL: Demolition of 4 No. existing bungalows & erection of 5 No. 2 bedroom dwellings with associated parking & landscape.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
	Plans have been amended to move the bulk of the parking element of the proposal from the rear of the site to the front within the Highway. In order to accommodate this and meet Highways regulations the positioning of the dwellings has been staggered, with properties on plots 2,3,4 and 5 being set further back into the site.
	The front elevations of properties on plots 2-5 would be in-line with each other while the property on plot 1 would be set forward of these by approximately 0.9 of a metre.
SITE AREA	0.08 of a hectare.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	25 dwellings per acre.
TOPOGRAPHY	Predominantly flat.
TREES	No trees are to be affected.
BOUNDARY TREATMENT	The application site has a low level 1-1.5 metre high post and rail fence along the rear boundary of the site, abutting the highway Hill Terrace and along the side of the site to the rear of the highway Green Lane Close. Along the eastern boundary is a low level chain-link fence with a low level hedge approximately 1-1.5 metres in height.
SITE CHARACTERISTICS	The application site currently features a terrace of 4 single storey (bungalows) properties, 1, 3, 5 and 7 Canada Road. The existing terrace of bungalows are constructed out of red brickwork with red roof tiles and white uPVC windows and doors.
	The application site is flanked by The Mustchin Foundation, a redbrick block of flats, to the east. To the south east of the application site, across Green Lane Close, is the Arundel Surgery. While to the south (rear) of the site is a Scout hall.
CHARACTER OF LOCALITY	The area is predominantly residential featuring a variety of

property styles including 2 storey terraced properties, single storey terraced bungalows, flats and 2 storey semi-detached properties.

RELEVANT SITE HISTORY

AB/32/57

4 No Old Peoples Dwellings

Approve
28-01-58**REPRESENTATIONS****REPRESENTATIONS RECEIVED:**

Arundel Town Council

The Committee has no objection to the development subject to the following:

- The necessary agreement/mechanism be put in place to ensure that the housing is provided by an approved registered provider of social housing and is managed on the basis that the dwellings are made available in perpetuity to the rented housing sector and to those with a local connection to Arundel.
- That renewable energy measures are incorporated into the scheme particularly bearing in mind the southerly rear facing roof slopes of the proposed development.

1 letter of neighbour comments has been received OBJECTING to this application, their comments are summarised as follows:

- Lack of parking.
- Unable to park near to my home at times.
- Adding more houses without ample off road parking will cause significant issues for existing residents.
- Affordable Housing is needed however this site is simply squeezing a handful of homes into an area that can not sustain it.
- Lager sites should be chosen which could provide more homes without being as detrimental to existing residents.

COMMENTS ON REPRESENTATIONS RECEIVED:

This application is a Council scheme and the intention is to have the housing provided as Council housing. However, there can be no assurance that the housing will be solely for people with a local connection but rather it is for the Council's housing department to determine against their housing needs policy who is allocated.

With regard to energy the submitted Design and Access statement states that the dwellings will be constructed to meet current building standards and that a number of energy efficient environmental/sustainability features of the development will be included, such as:

- Low levels of heat loss as a result of high insulation levels and air tightness performance.
- All glazing will have low heat loss.
- Low energy lighting.
- Provision of rainwater butts.

Other comments are noted and will be assessed in the Conclusions section below.

CONSULTATIONS

Engineering Services Manager

Engineers (Drainage)

Southern Water Planning

Parks and Landscapes

WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

GREENSPACE.

No Objection, their comments are summarised as follows:

- The proposal would have no perceived landscape impact.
- Less than 7 dwellings, therefore open space not a consideration.
- Landscaping scheme needs to maximise biodiversity.
- Detailed landscaping scheme needs to be proposed.
- Would recommend that if approved, an early implementation of any new planted areas are to be undertaken within the first planting season.
- So as to be retained existing vegetation must be protected during construction.

SOUTHERN WATER.

No objection, their comments are summarised as follows:

- No development or new tree planting should be located within 3 metres either side of the external edge of the public foul and surface water sewer.
- No excavation, mounding or tree planting should be carried out within 6 meters of the public water main without consent from Southern Water.
- In order to protect drainage apparatus, Southern Water requests that if consent is granted a condition is attached to the planning permission.
- Requests informative be added to any grant of permission.

HIGHWAYS.

Comments as follows:

- It would not be anticipated this application would result in a material sever impact on the operation of the maintained highway network in the vicinity.
- The plan provided annotates areas 'owned' by WSCC and that this is not strictly true as the areas indicated are considered 'adopted public highway' and 'not owned' by WSCC.
- The proposed layby arrangement would require works upon land considered public way and without any 'stopping up', the spaces created could not be reserved for specific use by residents of the proposed units. Additionally the footway realignment works required to facilitate the creation of this layby are within private land. Therefore the highway works would need to be implemented via a combined section 38/278 Agreement.
- In principle the existing 4 dwellings could be provided without any off-road parking and the Local Highways Authority would not be minded to raise any overriding highways issues to the scheme in that event.
- The imposition of a number of conditions and an informative note are recommended should Planning

permission be granted.

ENGINEERS.

Does not object and recommends the standard drainage conditions be added to any approval of planning permission. Their comments are summarised as follows:

- Soakaways must be investigated for surface water disposal.
- 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.
- Should 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.

COMMENTS ON CONSULTATION RESPONSES:

Comments are noted. The applicant has confirmed via an email received on the 12/09/2018 that:

The annotation regarding 'ownership' was in relation to the notice that was required to be served to WSCC highways as this area of land is not owned by Arun District Council.

It is not proposed that the parking is for the sole use of residents of the proposed units. The spaces in the layby are indicated on the drawing as unallocated.

POLICY CONTEXT

Designation applicable to site:
Within Built-up Area Boundary.

DEVELOPMENT PLAN POLICES

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ENVDM4	ENV DM4 Protection of trees
WDM3	W DM3 Sustainable Urban Drainage Systems
TSP1	T SP1 Transport and Development
TDM1	T DM1 Sustainable Travel and Public Rights of Way
SDSP2	SD SP2 Built-up Area Boundary

Arundel Neighbourhood Plan 2014 POLICY1:	The Presumption in Favour of Sustainable Development
Arundel Neighbourhood Plan 2014 POLICY 2:	A Spatial Plan for the Town
Arundel Neighbourhood Plan 2014 POLICY 3:	Housing Supply
Arundel Neighbourhood Plan 2014 POLICY 6:	Transport, Access & Car Parking

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

ADS	The Arundel Design Statement by Arundel Town Council
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POLICY COMMENTARY

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

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton.

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

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 have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

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 site lies within the built up area boundary where development is acceptable in principle in accordance with policy SD SP2 of the Arun Local Plan 2011-2031 and provided it is in accordance with

other policies of the Local Plan covering such issues as visual amenity/character, residential amenity, highway safety and parking.

Further, the NPPF generally seeks to promoting effective use of all land (para 117) and gives weight to proposals that develop under-utilised land (para 118(d)).

CHARACTER AND DESIGN.

Policy D DM1 of the Arun Local Plan 2011-2031 (ALP) requires that the Council have regard to certain aspects including:

- (1) Character - "Make the best possible use of the available land by reflecting or improving upon the character of the site and the surrounding area, in terms of its scale, massing, aspect, siting, layout, density, building materials (colour, texture), landscaping, and design features.";
- (2) Appearance/attractiveness - "Demonstrate a high standard of architectural principles, use of building materials, craftsmanship and hard and soft landscaping to reflect the local area";
- (13) Density - "The density of new housing will make 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. Proposals should take into account the density of the site and its surroundings. The density of large sites should be varied to guard against uniformity"; and
- (14) Scale - "The scale of development should keep within the general confines of the overall character of a locality unless it can be demonstrated that the contrary would bring a substantial visual improvement."

Furthermore, policy D SP1 "Design" states that all development proposals should seek to make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details.

Arundel Neighbourhood Development Plan (ANP) policies 1, 2 & 3, are all relevant. Policy 1 highlights the presumption in favour of sustainable development where proposals that are in accordance with the development plan will be approved and Policy 2 refers to the Town's spatial plan where it directs the requirement for housing to be located within the town of Arundel. Policy 3 supports windfall site allocations. Projecting actual dwellings completions, which may result in delivery of a higher number of dwellings, will be refined on a site by site basis as detailed design schemes are prepared.

A terrace of 4 bungalows are currently sited on the application site. This proposal seeks permission for 5 new 2 storey dwellings. The principle of dwellings on the site is given by the presence of the, aforementioned dwellings already on the application site.

Within the area there are a variety of dwelling styles ranging from 2 storey terraced properties, single storey terraced bungalows, flats and 2 storey semi-detached properties. As such Officers consider that there is no one particular style of dwelling that characterises the area as a whole.

Within the area, while the majority of buildings are constructed from red brick and feature red tiled roofs, the use of other materials such as slate roofs and cladding also features. The proposed external materials would be as follows:

Brick: Red/brown facing brick
Roof Tiles: Artificial slate - Grey
Rainwater Goods: uPVC - Black
Windows and Doors: Dark Grey
Cills: Stone effect - Light Coloured

While some of the aforementioned materials such as the light coloured stone are not materials that feature within the wider area, it is considered that overall the proposed materials would be broadly acceptable. However to ensure that they would be suitable a condition requiring material details be provided would be imposed upon any grant of planning permission.

It is noted that the proposed dwellings would be 2 storey and therefore would be higher than the existing dwellings. There are other 2 storey dwelling within the area such as the detached properties opposite the application site on the other side of Canada Road. Additionally there are existing 2 storey terraced dwellings nearby, to the west of the application site, at Ellis Close. Officers consider 2 storey dwellings to be an appropriate form of development. The proposed terrace of 2 storey dwellings would be set back from the rear of the highway. Also, it is noted that the 2 dwellings closest to the adjoining block of flats, the Mustchin Foundation, would be chalet bungalows.

Therefore, having regard to the size, scale, massing and overall design of the proposed dwellings it is considered that they would not have a detrimental impact on the street scene and wider area.

As such, the proposal would comply with policy D DM1 and D SP1 of the Arun Local Plan 2011-2031 and with ANP policies 1,2 & 3.

RESIDENTIAL AMENITY.

Arun Local Plan 2011-2031 policy D DM1 requires that 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." None of the Arundel Neighbourhood Development Plan policies refer to residential amenity issues.

Regard should be had to paragraph 127 of the NPPF which states that:

"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."

The proposed dwellings would feature a number of windows in the front elevation at both first and second floors which would enable views out toward the highway and over nearby front gardens, areas which are already substantially overlooked. Therefore it is considered that no materially detrimental overlooking would occur as a result of the proposed windows in the front elevation.

The proposed windows in the rear elevation of the proposed dwellings would allow views out over the rear of the adjoining flats, the Mustchin Foundation. This rear area is currently utilised for off-road parking and is already overlooked by not only the existing dwellings on the application site, but also the flats the parking area serves. Officers note that while the 2 storey properties would offer a greater level of overlooking any views out toward the windows in the eastern/south eastern elevation of the Mustchin Foundation would be at an angle over longer distances greater than 30 metres.

Any views out toward the Scout hall to the rear of the application site from the proposed rear windows would be out over external areas that are already significantly overlooked. Additionally back to back distances would be over 30 metres.

Therefore it is considered that no materially detrimental overlooking would occur to the occupiers of adjoining and neighbouring properties.

2 of the proposed dwellings closest to the adjoining flats, the Mustchin Foundation, are proposed as chalet bungalows. Therefore from an assessment of the plans and the officers site visit it is considered that given their reduced height and the aforementioned separation distances, the proposal would not have a detrimental impact on the Mustchin Foundation with regard to loss of light/sunlight, overbearing impact and overshadowing.

Overall, Officers consider that the proposed dwellings would not have a detrimental impact on the occupiers of adjoining and neighbouring properties with regard to overlooking, overshadowing, overbearing impact and loss of light/sunlight.

As such it is considered that the proposals would comply with Policy D DM1 of the Arun Local Plan.

SPACE STANDARDS.

Policy D DM2 of the ALP states that: "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) in order to determine whether the two houses are suitable for residential use.

The proposal includes 2 types of dwelling, 3 x 2 bedroomed 2 story dwellings and 2 x 2 bedroomed chalet bungalows. The submitted plans show the proposed dwellings would feature 2 bedrooms with 1 double bedroom and 1 shared bedroom with 2 beds.

For a 2 bedroomed, 4 person property the national space standards state a required minimum gross internal floor area of 79 metres squared including a minimum of 2.0 metres allocated as built in storage. From an assessment of the submitted floor plans the 3x 2 bedroomed, 2 storey dwellings would each have a gross internal floor area of 79.56 metres squared. The 2 x 2 bedroomed chalet bungalows would have a gross internal floor area of 79.94 metres squared. All of the proposed dwellings would provide a minimum of 2.0 metres of built in storage space.

As such, the proposed dwellings would comply with the internal space standards as set out in the 'Technical housing standards - nationally described space standard (2015)' and Policy D DM2 of the Arun Local Plan 2011-2031.

PARKING AND HIGHWAY SAFETY.

Arun Local Plan 2011-2031 Policy T SP1 seeks to ensure that development: provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network. In respect of parking, it states 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"

In respect of highway safety, it states that:

"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."

Regard should also be had to paragraph 109 of the NPPF which states that: "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."

Policy 6 of the ANP (vi) refers to a parking strategy developed for Arundel to manage car parking spaces for residents and visitors. Arundel Town Council has not alerted officers of any formulated parking strategy so as to enable them to assess how it impacts on this proposal. Officers also consider that the policy supports proposals to promote walking, cycling and use of public transport. As a site within the envelope of the built up area boundary the scheme is supported by the availability of public transport in close proximity and has all the needed day to day facilities within safe walking/cycling distance. Cycle storage per dwelling is supported and also in line with policy 6.

An objection has been raised regarding a lack of parking within the area and that there are times where people are unable to park outside their house. Also the objection considers that adding more houses without ample off road parking will cause significant issues for existing residents.

Officers note that in many areas people are unable to park outside their dwellings. Since these comments were received, amended plans have been submitted proposing 5 spaces to the front of the site and one space to the rear of plot number 1. Highway Officer's comments are that it would not be anticipated this application would result in a material severe impact on the operation of the maintained highway network and there is no objection to the proposal providing no off street car parking.

It is therefore considered that the proposal is in accordance with policy T SP1 of the ALP and with Policy 6 of the ANP.

SUMMARY.

This proposal is considered to represent an efficient use of urban brownfield land and does so without compromising the visual amenity of the area, highway safety or the amenities of existing residential occupiers. It is therefore recommended that permission be granted subject to the following conditions.

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 permitted shall be begun before the expiration of 3 years from the date of this permission.

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

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

01 Rev F and 02 Rev F.

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

- 3 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes to be used for external walls and roofs of the proposed semi-detached residential building have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity and character and appearance of the area by endeavouring to achieve a building of visual quality in accordance with policy D DM1 of the Arun Local Plan.

- 4 Development shall not commence 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, the recommendations of the SUDS Manual produced by CIRIA.

Winter groundwater monitoring to establish highest annual ground water levels and 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 satisfactory drained in accordance with policies D DM1 and W DM3 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition to ensure that the surface water disposal scheme is agreed before construction commences.

- 5 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 satisfactory drained in accordance with policies D DM1 and W DM3 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition to ensure that the surface water disposal scheme is agreed before construction commences.

- 6 Upon completed construction of the surface water drainage system but prior to occupation of any part of the scheme, the owner or management company shall either provide the local planning authority with an updated copy of the management manual incorporating any changes as a result of construction/implementation or confirm in writing that no changes are required to the manual.

No further changes shall be made to the approved surface water drainage system Maintenance & Management Plan/Regime including the management company responsible or the financial arrangements between the owners of the dwellings & the management company other than with the written consent of the Local Planning Authority.

The owner or management company shall thereafter strictly adhere to and implement the recommendations contained within the manual to ensure that the system is maintained in perpetuity.

Reason : To ensure the efficient maintenance and on-going operation of the surface water drainage system and to ensure the best practice in line with guidance set out in 'The SuDS Manual' CIRIA publication ref: C753 Chapter 32, in accordance with policies D DM1, W DM1 and W DM2 of the Arun District Council Local Plan.

- 7 No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details showing site set up during construction this shall include details pertaining to but not necessarily be restricted to the following matters:

- All temporary contractor buildings.
- Plant and stacks of materials.
- The provision for the temporary parking of contractors vehicles.
- The loading and unloading of vehicles associated with the implementation of this development.
- 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).

Reason: In order to protect the amenity and living conditions of neighbouring properties in accordance with policies D DM1, T SP1, QE DM1, QE DM2 and QE DM3 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to have the site set-up agreed prior to work starting.

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

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

- 9 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority.

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

- 10 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.
- 11 INFORMATIVE: In order to avoid unnecessary damage to the public sewers, Southern Water request that they are notified of the measures which will be undertaken to protect the public sewers prior to the commencement of development.
- 12 INFORMATIVE: Section 38/278 Agreement of the 1980 Highways Act - Works within the Highway & Provision of Adoptable Highway

The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover both the off-site highway works and proposed adoptable on-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 and any works commenced prior to the S38 agreement being in place are undertaken at their own risk.