

Report following a request for further information, negotiations or consultation

REF NO:	AL/107/21/PL
LOCATION:	Woodgate Centre Oak Tree Lane Woodgate
PROPOSAL:	Demolition of the Woodgate Centre buildings (including 3 No. residential dwellings) & the construction of 180 No. residential dwellings with the creation of new vehicular access with footways and cycleways, ancillary road infrastructure, emergency access arrangements, associated parking, public open space, including children's play space, landscape planting, surface water attenuation & drainage & other associated infrastructure. This site is in Cil Zone H SP2, BEW Strategic Site and is not CIL Liable.

The application was deferred by the Planning Committee on the 27th April 2022 to allow for further information and clarity on the use of the Section 106 Agreement Contributions. The debate by Members in relation to the S106 Agreement included the following matters:

1. Concerns were raised as to the cost and delivery of the east to west cycle bridge, this included:
 - Bridge design
 - Bridge cost
 - Proportionate split between landowners
 - The mechanism for delivery
 - Future management and maintenance of the bridge (and associated implications for cost).
2. Clarification of the financial contributions listed as TBC in the Heads of Terms.
3. Clarification of drainage scheme in relation to EA position of no infiltration
4. Concerns with the width of Woodgate Road with some discussion as to whether improvements could be made.

The applicant has worked since the application was deferred to resolve the above issues and the following detail is provided in response to each of the reasons for deferral:

1. The applicant has now entered into a collaboration agreement (CA) with the adjoining landowner that will ensure the delivery of the cycleway/footbridge over the river. A copy of the CA has been provided to the Council, the CA establishes full and agreed costings and apportionment between landowners. It confirms that the applicant will make a contribution of £2,274,951 towards the E-W Link, this contribution is equivalent to 75% of the estimated costs, with the remaining 25% paid by the neighbouring landowner. These provisions are also reflected in the latest draft of the S106 agreement. Therefore, the CA along with the S106 agreement will address the concerns raised by Members in relation to the uncertainty with the delivery of the east to west cycle bridge.
2. The S106 has been progressed by all parties following deferral and the Heads of Terms (HOT) have been updated with the outstanding contributions now identified. This is set out in the HOT attached to this report with the previously outstanding information highlighted in red.
3. The Environment Agency in their consultation response to the application requested a planning

condition to avoid the use of ground water infiltration techniques unless with the written consent of the Council. The drainage scheme as proposed by the applicant already does not include surface water infiltration as the technical information submitted in support of the application had already concluded that the subsoil was not conducive to infiltration techniques.

Therefore, the application proposes that surface water manage would be undertaken via porous paving within private driveways with pipes and swales connecting with a balancing pond within the open space in the north-western corner of the site. Conditions are already proposed which requires details of the outfall to the Lidsey Rife to be agreed alongside details of the landscaping scheme. This approach is agreed by the Lead Local Flood Authority (WSCC) and the Council's Drainage Engineers.

4. The application was accompanied by a parking survey for Woodgate Road which was undertaken in December 2020. This document concluded that the level of on-street parking and proximity of spaces to the junction with Lidsey Road was not unusually high for a residential road and would not give rise to any highway safety issues. This document was assessed by WSCC who raised no objections to the conclusions reached.

Topographical surveys of Woodgate Road have confirmed that the carriageway width ranges from 4.8m to 4.84m. Manual for Streets (Highway design guidance document) identifies that a minimum road width of 4.1m is required to allow two cars to pass and 4.8m for a heavy goods vehicle/refuse vehicle and a car to pass. However, it should be noted that refuse vehicles already access Woodgate Road despite the presence of on-street parking and this scenario would be unchanged.

Consideration has been given by the applicant to the provision of additional parking provision. However, the application proposed the provision of a 2.5m wide footway to the north of Woodgate Road as an enhancement over the existing pedestrian provision. This width of footway meets the minimum requirements for a shared cycleway/footway and would allow for the safe movement of pedestrians, cyclists and vulnerable road users along Woodgate Road. Any additional parking provision on Woodgate Road would have been at the expense of this cycleway/footway enhancement. Therefore, having reviewed this it was deemed by officers that the provision of sustainable transport enhancements which would facilitate forms of transport other than private motor car should be the focus. This approach would be in accordance with the adopted Council Vision 2022-2026 which states that the Council will provide wider infrastructure that supports wellbeing with more opportunities for cycling and walking.

In addition to the provision of this new shared cycleway/footway the application secures the following additional measures to encourage a modal shift away from the use of private motor cars:

- Bus improvement contributions towards existing bus stops;
- Car parking spaces for a potential car-share club;
- A Community Travel Plan to encourage residents to use other forms of transport other than private car; and
- Financial contributions towards the provision of a new pedestrian/cycle bridge across the Lidsey Rife providing sustainable access to the wider strategic allocation.

ADDITIONAL MATTERS

In addition to these deferral reasons officers have been reviewing the proposals and identified some potential enhancements which are now reflected in the submitted plans. These amendments include enhancement of the pedestrian link with the northern boundary through the eastern area of open space with a path which better follows the north to south desire line. As well as an improved connection with the existing footway to the south of Oak Tree Lane. Some minor amendments were also made to the layout with one of the roads extended to abut the northern boundary of the site and one visitor bay relocated.

These changes were considered to not be material to the consideration of the proposals and as such have not been the subject of further consultation/advertisement. The plans condition has been updated to reflect these amended details.

REPORT UPDATE

Application No: AL/107/21/PL

Reason for the Update / Changes

Reason for Update/Changes:

Additional representations:

Additional representation received from Lichfields on behalf of the Southern Consortium requesting application is deferred until matters related to the delivery of the east-west pedestrian and cycle bridge link, and access and servicing arrangements of the land to the north of the Woodgate Centre are resolved.

Consultee comments:

Following their consultation response further advice has been received from National Highways that they are concerned that a proportional contribution based on the 4300 dwellings (proposed for BEW through the endorsed masterplan) would not fully offset the impact of development upon the operation of the A27. Therefore, National Highways have identified that a proportional contribution should be made on the basis of 3,000 dwellings, until such time as adequate evidence has been provided to satisfy them that the identified mitigations for the A27 could accommodate the additional 1,300 dwellings or that additional mitigation is needed.

Updated Heads of Terms:

Figure of £39,200 now agreed for bus improvement contribution if improvements to existing bus stops are not provided by Wings Nursery development.

E/W Cycle/Pedestrian Link trigger corrected to 50% occupations and wording added about triggers for delivery or payment.

Delivery of Public Open Space triggers corrected to 50% for approval of management strategy and 75% for final completion notice. Adoption of Public Open Space - clarified by inclusion of reference to 'if called on by ADC'.

Officers Comment:

Additional representations:

Response to the representation received by the Southern Consortium:

Firstly, in relation to the drafting of the S106 to secure the delivery/ contributions towards the E/W link, Pye Homes have confirmed that they will accept a contribution of 50% of the costs. The detailed wording of the S106 provisions can be resolved under the delegated authority that is being sought. The Southern Consortium want the figure for the contribution to be based on detailed design for the bridge. Pye Homes have produced a document (shared with the Southern Consortium and the council) which sets out the costs for a bridge which allows for contingencies and fees amounting to £2,512,636. This figure, combined with a mechanism within the S106 to ensure that any increase in costs could be recouped, is sufficient to provide certainty that the E/W Link will be delivered. A detailed design would not be

appropriate at this stage in the process and there is no reason to defer the application on this basis. Secondly, in relation to the drafting of the S106 Agreement not securing the necessary provisions to access and service the land parcel to the north of the Woodgate Centre, Pye Homes have confirmed that they agree that the S106 needs to include provisions to avoid a ransom situation. The council would not agree any S106 wording that could lead to a ransom situation occurring. This matter can be resolved through continued discussions between the solicitors and is not a reason to defer the application.

Consultee comments:

Whilst the Local Planning Authority are of the view that contributions should be based upon the master planned figure of 4,300 it is accepted that National Highways retain their position. Therefore, it is proposed that the Heads of Terms be amended to reflect the higher figure of £53,700 but that if prior to finalising the S106 additional information is provided to address the concerns of National Highways then the lower figure based on 4,300 dwellings will be used.

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

Recommendation Report for Planning Permission

REF NO:	AL/107/21/PL
LOCATION:	Woodgate Centre Oak Tree Lane Woodgate PO20 3GU
PROPOSAL:	Demolition of the Woodgate Centre buildings (including 3 No. residential dwellings) & the construction of 180 No. residential dwellings with the creation of new vehicular access with footways and cycleways, ancillary road infrastructure, emergency access arrangements, associated parking, public open space, including children's play space, landscape planting, surface water attenuation & drainage & other associated infrastructure. This site is in Cil Zone H SP2, BEW Strategic Site and is not CIL Liable.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application proposes the: 'Demolition of the Woodgate Centre buildings (including 3 No. residential dwellings) & the construction of 180 No. residential dwellings with the creation of new vehicular access with footways and cycleways, ancillary road infrastructure, emergency access arrangements, associated parking, public open space, including children's play space, landscaping planting, surface water attenuation & drainage & other associated infrastructure. This site is in Cil Zone H SP2, BEW Strategic Site and is not CIL liable.'
SITE AREA	7.25 ha.

RESIDENTIAL DEVELOPMENT 24.8 dwellings per hectare.
DENSITY

TOPOGRAPHY

The land falls from the west with a level of +9.28 AOD at the entrance to the site falling to +1.10 AOD along the eastern boundary where the site meets the Lidsey Rife watercourse. The low lying part of the site to the eastern boundary is within a Flood Zones 2 and 3.

TREES

There are four clusters of trees subject to a TPO. One group is along the northern boundary and includes 3 trees. Another TPO covers a group of trees in the centre of the site. There are an additional two TPO trees to the east of the site and three on the western boundary.

BOUNDARY TREATMENT

The boundaries are wooden post and wire fencing enclosing the horse paddocks.

SITE CHARACTERISTICS

The site forms part of the strategic allocation for the wider Barnham, Eastergate and Westergate (BEW) endorsed Framework Masterplan (FM). The site sits within a central portion to the FM which indicates a secondary link running through the centre of the site. The FM shows this central link connecting to the re-aligned A29.

The site is approximately 7.17 hectares in area. The site is currently accessed from the west of Woodgate Road. It is currently occupied by a mixed use premises locally known as the Woodgate Centre and a number of horse stables with paddocks around the site. The Woodgate Centre comprises a number of small businesses. It is unknown whether these buildings are vacant at present, though the site visit undertaken through September 2021 indicated occupation.

The northern and eastern boundaries of the site are bordered by farmland. Beyond this farmland to the north there is a railway line which hosts the Chichester to Barnham railway line. The western boundary of the site features single store bungalows that have rear gardens adjoining the site. To the south of the site is Willows Caravan Park where a number of park homes back onto the site. It is understood these comprise occupied units throughout the majority of the calendar year, though they are used as holiday lets and not permanent residences.

The site topography falls from the west to the east with an approximate 8m change in height. The low setting results in 20% of the eastern portion of the site lying within Flood Zone 2.

The site contains a number of trees within its central area which are protected by Tree Preservation Orders. There are a number of trees located outside of the site, albeit on the boundary, whose root protection areas would be affected by development at the boundaries.

CHARACTER OF LOCALITY

There are no public footpaths that run through the site and there is no wider public access to the site at present.

The land to the immediate north and east of the site is in agricultural use at present, though these neighbouring parcels also form part of the wider SD5 BEW Strategic Allocation which is subject to an endorsed Framework Masterplan.

The land to the west of the application site, off Woodgate Road, is in residential use. Development in this area is suburban and is characterised by detached dwellings in the bungalow style. Properties sit on spacious plots and are set back from the road with parking forward of their primary elevations.

The site exits out onto Woodgate Road which provides wider connections to Lidsey Road. Turning north from the Woodgate Road/Lidsey Road junction is the Woodgate Level Crossing. This crossing results in substantial congestion at peak times. Much of these pre-existing congestions issues underpins the West Sussex County Council business case for the A29 re-alignment project.

The Aldingbourne Village Stores (with permission to be redeveloped to a Co-Op store) are found north of the Woodgate Level Crossing which comprises a 5 minute walk from the western most portion of the site. A pedestrian footpath running parallel to the Lidsey Road provides safe access. Aldingbourne Primary School is located further north of the Woodgate Level Crossing which is an approximately 8 minute walk from the site. Ongoing work with West Sussex County Council has confirmed that the school is currently at capacity. Further services are found within the village of Eastergate which is an approximate 3 minute drive from the site. Such services include a post office, sports centre and doctor's surgery.

RELEVANT SITE HISTORY		
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AL/25/15/OUT	Application for Outline planning permission for 1 no. replacement dwelling.	Refused 12-08-15
AL/106/12/	Outline application for 2.85 hectares of residential development (up to 60 open market dwellings, and up to 25 affordable dwellings (30 %), 2.9 hectares of public open space, and 0.2 hectares for community service.	Refused 28-03-13 Appeal: Dismissed 30-10-13

AL/69/11/	Outline application with some matters reserved for the erection of up to 100 dwellings (including 30% (up to 30) affordable) together with 7115 sq metres of landscaped open space within the residential area and an additional 1.95 hectares of land to be laid out as publically accessible amenity woodland. (Departure from the Development Plan)	Refused 29-09-11 Appeal: Dismissed 20-06-12
AL/70/11/	Outline application for demolition of all existing buildings and replacement with 940 square metres of B1 commercial development together with associated service area parking for 40 vehicles and landscaped amenity space. This application is a Departure from the Development Plan.	ApproveConditionally 02-11-11 Appeal: Withdrawn 12-01-12
AL/107/08/	Outline Application for 3 no. replacement dwellings	Refused 17-03-09
AL/24/03/	New access road to serve Woodgate Centre.	ApproveConditionally 02-05-03
AL/108/21/ESO	Request for Screening Opinion for 180 dwellings.	ES Not Required 28-10-21

The previous refusals and subsequent appeals on the site took place prior to the allocation of the site in the Arun Local Plan and the adoption of the Plan. The proposal needs to be considered as part of the BEW allocation and in the context of the Framework Masterplan.

REPRESENTATIONS

ALDINGBOURNE PARISH COUNCIL:

Infrastructure - General principle of development on site in accordance with development plan. Concerned about existing services and facilities in the Parish operating over capacity and need for infrastructure to be delivered in a timely way to mitigate impact of development. Infrastructure requirements set out by WSCC and National Highways will need to be addressed.

Sustainable Transport - Proposal does not remedy existing limited provision for cyclists who will be reliant on existing A29, contrary to requirement to encourage shift from private car use. Insufficient information on pedestrian and cycle connections to routes north and east of the site and within the site. Contrary to GA2.1 and GA2 of the Aldingbourne Neighbourhood Plan (ANP) as it doesn't provide upgrades and connections to path 296.

Wider Transport Impacts - Insufficient information to rule out harmful impacts upon the local and strategic highway network - specific concerns about junction between Woodgate Road and existing A29 prior to new A29. Concerns about traffic modelling and footway widening. No significant development should be undertaken until the new A29 has been constructed.

Biodiversity - Insufficient information on protected species and lack of survey work, contrary to EH12 of the ANP.

Lighting - Lighting assessment fails to reflect ecological sensitivities or set out how light from windows will be controlled or reduced.

Design/ Layout - Does not preserve the identity of the village due to scale and design quality. No precedent for 3 storey flats in the locality. 2.5 and 3 storey units are out of character and scale with immediate area. Weatherboarding should be traditional material. Weatherboarding not a material that is defined in Design Guide as a material that defines character of Arun District. Dwellings have wide spans, bulky complex rooflines - top heavy, suburban form. Steep pitches and blank facades also not compliant with Design Guide (p90). Prevailing roof forms are simple with double pitched gable ends or hipped roofs. High pitch angles should not be used. Tree planting has not been integrated with the development and layout and density doesn't have regard to page 52 of the Design Guide. It fails to meet objectives of the Arun Design Guide and BEW Masterplan - not a high quality development.

Policing Service - Support the need for meeting the requirements set out in the Sussex Police response.

15 representations were received raising the following issues:

Traffic and highway safety:

- Woodgate Road too narrow with cars and vans parked
- Junction with A29 dangerous, made worse by parked cars
- Road unsafe due to traffic, additional housing will worsen situation
- Not enough room for proposed footpath at the A29 end
- Accident occurred recently
- Woodgate Road unsuitable for construction vehicles and lorries to pass parked cars, leading to safety risks
- Access to Woodgate Close if roadworks occur on Woodgate Road
- Vehicles accessing Woodgate Road from the north have to wait just off the A29 or on the A29 before driving into Woodgate Road - no proposed mitigation for this situation
- Disagree with Transport Assessment conclusion re severity of parking issue and lack of safety issues
- Car parking in Woodgate Close would cause an obstruction for wheelchair users in the Close and Road
- Site should be accessed from the east when the wider site comes forward
- Emergency access onto Oak Tree Lane not discussed with residents who maintain the Lane and unsuitable
- Loss of grass verge would have environmental impact and need for dropped kerbs would make walkway uneven.
- Access to Woodgate Centre should remain from Oak Tree Lane
- Oak Tree Lane should be used to access the site.
- Impact on privacy and safety due to increased pedestrian and cycle access to the rear of Ryefields Farmhouse, locked six foot high gate should be installed to prevent access to Oak Tree Lane
- Concern that fire and refuse vehicles won't be able to access neighbouring property as they turn in Woodgate Centre yard.

Flooding:

- Land floods regularly

Pollution:

- Noise pollution
- Air pollution will lead to health risk
- Condition to restrict construction hours required to limit disturbance

Design:

- Houses will overshadow the existing bungalows

- Rural nature of local villages being eroded by residential development.
- Greenfield site/ loss of countryside.
- Overdevelopment of the village

Infrastructure:

- Local amenities unable to support increased residents (schools, doctors, foul drainage)

Ecology:

- Will destroy wildlife habitat
- Trees and site support a variety of wildlife and bat feeding habitat
- Ecology survey underestimated amount of slow worms on the site and adders also present
- Trees have been removed adjacent to A29

Other:

- Upheaval from extra traffic and pollution will impact on mental health of existing residents
- Services to neighbouring property to the north run under the site to Woodgate Road, seeking condition to ensure that services are not disrupted
- Neighbour to the north also seeking fence along joint boundary to ensure privacy and reduce dust and noise pollution
- Prime agricultural land
- Comments received from Southern Consortium raising concerns about early parcels using up new primary school capacity, a lack of agreement between the parties in relation to the bridge specification and cost proportionate contributions, and mechanisms for covering any uplift in costs and safeguarding sufficient land. Also want to ensure provisions to allow access and service to the Southern Consortium land to the north.

1 representation was received which commented:

- Support the need for new housing

COMMENTS ON REPRESENTATIONS RECEIVED:

The right of access onto Oak Tree Lane is a private matter.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ECOLOGY: No objection

Lighting strategy sufficient to minimise impact on bats. Conditions to secure: mitigation proposed in Ecological Impact Assessment (EIA) (Oct 2021) for bats; hedgerow retention and enhancement; bat box provision; further surveys if any trees with bat roost potential need to be removed. Nesting birds: conditions and informatives to ensure works outside bird breeding season and checks for nests, plus bird box provisions. Conditions to secure measures in Ecological Impact Assessment through CEMP for water voles and european eels. Precautionary approach to reptiles is satisfactory. Precautionary approach to hedgehogs should be put in place with hedgehog box provision. Enhancements in EIA are suitable and should be shown on landscaping strategy. Full details of habitats and enhancements onsite and their management will need to be included in the Construction Environmental Management Plan (CEMP) and Landscape Management Plan (LEMP).

NATURAL ENGLAND: No objection

General advice provided on protected species and other natural environment issues. In relation to European sites (Duncton to Bignor Escarpment Special Area of Conservation (SAC) and Singleton and Cocking SAC, agree with ADC Appropriate Assessment conclusions, that the proposal can be screened out from further stages of assessment because significant effects are unlikely to occur.

WSSC FIRE AND RESCUE: No objection

Condition required to secure details of fire hydrants locations.

WSSC LOCAL HIGHWAY AUTHORITY:

First response: Further information required in respect of off-site highways work, foot and cycle bridge, connection to other sites within the adjacent BEW Strategic Land Allocation, public transport provision, off-site cycle works, modelling, cycle parking, Travel Plan and S106 contributions.

Second response: Further information required in respect of access design details. Comments provided on width of cycle path - provision of 2.5m shared footway/cycleway by no.4 Woodgate Road may require removal of garden hedge. Comments provided on securing provision of the east-west foot and cycle bridge - would require it is constructed at specific time when both sides of the bridge require the link. To be secured through S106 Agreement. No ransom strips should be retained to ensure non-motorised connectivity with adjacent BEW land. Parking to be secured by condition (EV, car, cycle).

Third response: No objection subject to S106 agreement securing highway works, walking and cycling route and bridge over Lidsey Rife, bus service and associated infrastructure improvements, provision for A29/B2233 War Memorial roundabout interim junction improvement (if A29 realignment phase 1 not implemented), Travel Plan and monitoring fee, car club contribution and spaces, proportional contributions to strategic highway improvements and Infrastructure Delivery Plan requirements. Also, subject to conditions.

NATIONAL HIGHWAYS: Holding response - further information required.

Request further information on traffic model including trip generation and assignment methodology. Upon review of the requested further information, capacity assessment of the SRN may be required in accordance with DfT Circular 02/2013. Contribution of £53,700 required to mitigation impact on A27 junctions (based on a proportion of 3,000 dwellings).

WSSC INFRASTRUCTURE:

Contributions required towards Early Years, Primary, SEND/SSC, Secondary School, Further Secondary, Tier 7 library, fire and rescue (full details set out in Report).

Updated response: Objection

Objection due to the lack of an allocated or secured site for a new secondary school and due to the lack of capacity for primary school pupils and uncertainty over the delivery of the new primary school in the strategic allocation.

DRAINAGE: Further information - holding objection

Agree that infiltration not suitable. Drainage should be masterplanned for BEW development to prevent unnecessary connections to foul sewer. Further information needed on future flood zone extent and proposed elevation of the pond, which is close to flood zone 2/3. Revised surface water drainage scheme required. If minded to approve, FRA and drainage strategy should not be listed and conditions should be applied.

Further comments: Concern that outfall would conflict with landscaping plan. Revised landscaping plans still show trees in close proximity to lined swales and basins. Drainage details and landscape details need to be secured together.

LEAD LOCAL FLOOD AUTHORITY: No objection

Site at low risk from surface water flooding, with higher risk on eastern boundary in association with the Lidsey Rife. High risk of groundwater flooding based on modelled data. Lidsey Rife along eastern boundary - development free buffer zones should be included and consent for any works secured. FRA and Surface and Foul Water Management Strategy proposes SUDs to control surface water, to be agreed with LPA.

ENVIRONMENT AGENCY: No objection

Planning conditions recommended to secure remediation strategy; verification report; restricting the use of infiltration of surface water; controlling disturbance of the aquifer.

SOUTHERN WATER:

Exact location of the sewer crossing the site to be determined prior to layout being finalised. Advice on protecting sewer pipe provided. Diversion proposals should be approved by Southern Water and condition recommended to protect sewer. Any mitigation for increased risk of foul flooding from the sewer network will be provided by Southern Water, which should be aligned with occupation of the development. Some occupations may be possible prior to reinforcement works. Condition requiring phasing and implementation to align with delivery of network reinforcement.

ENVIRONMENTAL HEALTH: Further information

No objection re: contaminated land. Ground investigation carried out is satisfactory. Conditions recommended to secure further monitoring on site to inform comprehensive risk assessment for the site.

Air Quality: Conditions to limit construction and demolition hours; secure electric vehicle charging; Construction Management Plan. Noise - further information required, plus condition to require scheme to protect early occupiers from noise and vibration. Condition to ensure noise from electricity sub-station so no adverse effects on residential properties.

Further response: No objection:

Additional information provided on noise is satisfactory subject to conditions securing mitigation measures.

CONSERVATION OFFICER: No objection

Response identifies a number of listed buildings, locally listed buildings or structures of character, and the Church Lane Conservation Area as being in close proximity to the application site. The location of the site south of the railway and some distance from the heritage assets, plus partial screening means that there is no perceived inter-visibility between the site and the heritage assets and does not form part of their setting. The development would not cause harm to the setting of the heritage assets.

ARCHAEOLOGY: No objection

Standard condition to secure further archaeological investigation.

GREENSPACE: No objection

High quality oak and other trees require protection and retention, some have been allowed for in the central POS. Onsite provision required for POS, play and green infrastructure, with contributions towards playing pitches, sport, leisure, pools, halls, allotments and ancillary facilities. Consideration needs to be given to siting of the play area into the open space within the flood zone. The POS should also provide a connection to the Lidsey Rife Linear Park. The SPD requirement of 14,850m² of POS has been met. Advice provided on POS connectivity, and use of POS for buffers to help create a sense of place. Pathways should be all weather and accommodate pedestrian and wheeled users and connect within and beyond the site. Proposals indicate a LEAP/NEAP scheme for play plus a LAP within the central

open space. Advice given that SUDs should be excluded from POS calculations. Impact on location requires landscape mitigation to screen and soften the development. Detailed landscape scheme will be required, and improvements made to existing green boundaries. Additional details will be needed on landscaping at plot specific level as well as proposed future management of the scheme.

SUSSEX POLICE: No objection

Contribution of £27,257.87 towards the cost of policing new growth from the application. Advice provided on secure by design principles. Outward facing dwellings provide good active frontage and parking should leave street layout free and unobstructed. Play areas should be overlooked and have railings. Bollard lighting not appropriate.

HOUSING STRATEGY AND ENABLING MANAGER: No objection

Provision of 53 affordable dwellings complies with 30% requirement. Tenure split of 75% rented and 25% intermediate also met.

ECONOMIC DEVELOPMENT: No objection

Wish to see an Employment and Skills Plan provided for the development.

STRATEGIC PROJECTS AND DEVELOPMENT - Leisure contributions required towards sports halls/flexible activity space (£71,498), Health and fitness (£22,400), Swimming pools (£79,083) and Public Art (£6,930).

NHS/CCG: Request a contribution of £231,771 towards the Croft Surgery new build.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and addressed in Conclusions

POLICY CONTEXT

Strategic Housing Allocation SD5: Barnham, Eastergate, Westergate

DEVELOPMENT PLAN POLICIES

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

AHSP2	AH SP2 Affordable Housing
DDM1	D DM1 Aspects of form and design quality
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
HDM1	H DM1 Housing mix
HERDM1	HER DM1 Listed Buildings
HERDM3	HER DM3 Conservation Areas
HERDM6	HER DM6 Sites of Archaeological Interest
HSP1	HSP1 Housing allocation the housing requirement
HSP2	H SP2 Strategic Site Allocations
HSP2C	H SP2c Inland Arun
OSRDM1	Protection of open space,outdoor sport,comm& rec facilities
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development

SDSP1A	SD SP1a Strategic Approach
SDSP2	SD SP2 Built-up Area Boundary
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WSP1	W SP1 Water

[Aldingbourne Neighbourhood Plan 2019-31 Policy EH10](#) 'Unlit Village' status

Aldingbourne Neighbourhood Plan 2019-31 Policy EH2	Green infrastructure and eco systems.
Aldingbourne Neighbourhood Plan 2019-31 Policy EH4	Protection of watercourses
Aldingbourne Neighbourhood Plan 2019-31 Policy EH6	Protection of trees and hedgerows
Aldingbourne Neighbourhood Plan 2019-31 Policy GA2	Footpath and cycle path network
Aldingbourne Neighbourhood Plan 2019-31 Policy GA3	Parking and new developments

PLANNING POLICY GUIDANCE:

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

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
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POLICY COMMENTARY

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

The Aldingbourne Neighbourhood Development Plan (ANP) was reviewed in 2020. Following successful Examination by an Inspector, the reviewed Neighbourhood Development Plan was adopted by Arun District Council on 14 July 2021. Relevant NP policies have been taken into account and are addressed in the below report.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is located in a Strategic Allocation within the built-up area boundary in accordance with the Development Plan. The Council has an endorsed Framework Masterplan which the submitted development accords with. The development makes provision for the necessary infrastructure and therefore comprises comprehensive planning.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

(2) in dealing with an application for planning permission the authority shall have regard to -

(a) the provisions of the development plan, so far as material to the application,

(aza) a post examination draft neighbourhood development plan, so far as material to the application,

(b) any local finance considerations, so far as material to the application, and

(c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

1. PRINCIPLE

Arun Local Plan (2011 - 2031)

Policy SD SP1a sets out the strategic approach of the plan, which includes providing for the housing needs of the community by delivering 20,000 homes of an appropriate scale and tenure. Policy H SP1 sets out the overall provision of at least 20,000 new homes through the Local Plan phased over the plan period to 2031. The policy allocates strategic housing sites which includes the allocation for Barnham/Eastergate/Westergate ('BEW') (site reference SD5) for 2,300 dwellings (within the Plan period).

Policy H SP2c 'Inland Arun' provides the detailed requirements for BEW site, including that the site as a whole will deliver up to 3,000 dwellings in total and at least 2,300 within the plan period. The application site is within this allocation and would deliver 180 of the required number of dwellings. The policy requires the allocation to provide key infrastructure including a new local centre, new retail, commercial and community facilities, a new Tier 7 library facility and healthcare facilities to serve BEW and Fontwell. New transport requirements include a re-aligned A29 route with a bridge over the railway to the east of the current Woodgate crossing combined with improved access to Barnham railway station, bus services and cycle links. The requirements also include a new two-form entry primary school, a one form entry primary school (expandable to two forms) and nursery places, in addition, 2 new sports pitches with changing facilities and new employment provision.

A series of High Level Development Principles for the BEW allocation were endorsed by the Council in 2020, followed by the endorsement of a Masterplan for the allocation by Development Control Committee on 25th November 2020 (subject to the submission of a Phasing and Infrastructure Delivery Plan). On the basis of this allocation, and following from the endorsement of the Framework Masterplan, the principle of residential development is considered to be acceptable.

Policies H SP2 and H SP2c of the Arun Local Plan set out criteria against which development should accord with. Notwithstanding the acceptance of the principle of development, to deliver a Masterplanned site, conformity with these criteria should be met which is considered below.

Aldingbourne Neighbourhood Development Plan (ANP) 2021

The Built Up Area Boundary in the ANP has been updated to include this site as part of the BEW allocation, therefore the principle of residential development also complies with the ANP.

The application was discussed at the BEW Advisory Group meeting in January 2021, July 2021 and February 2022. Comments included: support for bungalows; mixed views on design; concerns about access from Woodgate Road; request for consideration of Community Land Trust; query re play areas as not shown on plan; clarity over cycleway crossing Rife; concern about traffic prior to A29 realignment and queues at level crossing and securing electric vehicle charging provision. These issues are considered below.

ENVIRONMENTAL STATEMENT

Development of the scale, type and character proposed has been screened to determine whether it constitutes EIA development under the Town and Country Planning (Environmental Impact Assessment) Regulations (see reference AL/108/21/ESO); resulting in the issuing of a negative screening opinion (i.e. the development proposed was not EIA development). Therefore, this application does not require an Environmental Statement.

2. HOUSING MIX, STANDARDS, AND AFFORDABLE HOUSING PROVISION

The housing mix of market units is: 49 x 2 bed, 54 x 3 bed and 24 x 4 bed properties (127 total). The affordable rented housing mix is 9 x 1 bed, 19 x 2 bed, 10 x 3 bed, 2 x 4 bed (40 total). The affordable intermediate mix is 6 x 1 bed, 3 x 2 bed, 3 x 3 bed and 1 x 4 bed (13 total). The overall affordable housing provision is 30% which meets the policy requirements, with a policy compliant tenure split of 75:25 rented/intermediate. The mix of market dwellings broadly accords with the Updated Housing Needs Evidence (2016) providing the majority of dwellings as 2 and 3 beds. The affordable rented mix is lower on 1 bed units and provides more 2 and 3 bed units. This is balanced out overall by the intermediate tenure which provides more than the recommended 1 bed units. The affordable housing is provided evenly across the site and not clustered and is indistinguishable from the market units. However, following the adoption of the Interim Policy on First Homes, the tenure split will now need to include First Homes. This will be included in the S106 Agreement, which will include the submission of a revised Tenure Plan.

Policy H SP2 of the Arun Local Plan requires the consideration of an area for custom and self-build homes, as well as gypsy and traveller pitch provision. Neither custom or self-build or gypsy and traveller pitches are included in the development. The applicant has submitted a statement which states that the location, size and character of the site would not lend itself to the inclusion of gypsy and traveller pitches. In considering custom and self-build they raised concerns about the affordability, lack of convenience and suitability of the location. This part of the BEW allocation has a more traditional character to reflect the surrounding context and this, combined with the size of the site reduces the compatibility with potential self-build and/or custom build homes and for gypsy and traveller pitches. Weight is also given to the ability of the site to deliver housing relatively quickly which will help with the supply of housing. The lack of custom and self-build homes and gypsy and traveller pitches is outweighed by the benefits of expedient housing delivery on this site.

The homes comply with the Nationally Described Space Standards and 49 dwellings meet the M4(2) Accessible and Adaptable dwelling standards and 3 dwellings (bungalows) meet the M4(3) Wheelchair Accessible standard. The ADC Guidance on Accommodation for Older People seeks to secure 50% of units to M(4)2 standard and 6 units to M4(3) standard for a site of this size, as well as making provision for bungalows and ensuring the dwellings. The provision of 49 dwellings at M4(2) is under the 50%

requirement (90 dwellings), and the M4(3) provision is 3 units short. As these dwellings are shown on the Tenure Plan, a revised plan showing these units will be secured by condition.

The Arun Design Guide SPD recommends a minimum garden depth of 10.5m. A Garden Depth plan has been provided which demonstrates that all of the properties meet the minimum requirement. The gardens are largely regular in shape. The majority of the flats have balconies which are 3sqm - in accordance with the recommended size in the Arun Design Guide SPD. The only house type which does not comply is the flats over garages (FOG), which lack any private external amenity space, however, this is a minor departure which would not, on its own, be sufficient to justify a refusal reason. With the exception of some flats and the FOG units, the scheme complies with the external space standards set out in the Arun Design Guide SPD.

Overall, the scheme provides for 30% affordable housing, in an acceptable built form and layout, in accordance with Policy AH SP2 of the Arun Local Plan. The development would provide for a range of housing types that broadly reflects the District Council's needs in accordance with Policy H DM1 and AH SP2. The scheme is not in accordance with the Guidance on Accommodation for Older People as it falls short on Accessible and Adaptable and Wheelchair Accessible dwellings. The weight to be given to the Guidance is limited and in this instance the shortfall in provision is outweighed by the valuable contribution that the 180 dwelling would provide towards the Council's planned housing targets and housing land supply. The proposals, in terms of housing mix, accords with Policies H DM1, H SP1 and H SP2c of the Arun Local Plan and Policy H4 of the Aldingbourne Neighbourhood Development Plan.

4. HIGHWAYS, TRANSPORT AND PARKING

Impact on local and strategic road network and mitigation:

The Transport Assessment (TA) has assessed the junctions which would be impacted by the proposed development. The proposal would generate 80 two-way movements in the AM peak and 85 two-way movements on the PM peak. The TA included modelling of a future 2038 scenario, when the BEW allocation and A29 realignment are complete, as well as 2021 Present Day and 2024 Interim Year scenarios. As there is the potential for an additional 44 units to come forward on the parcel to the north of the site, the impact of this was included in the modelling. The results showed that currently, without the development, all junctions except the A29 War Memorial roundabout (Fontwell Avenue arm) operate within capacity, with the War Memorial junction over capacity in the weekday PM peak. The Woodgate Crossing also operates with queues in the AM and PM peaks, with queues of between 25 and 50 vehicles in peak periods. This would result in an additional 2 vehicles on average being added to Woodgate Road. The applicant has provided a drawing to demonstrate how Woodgate Road would operate in these situations - which the Local Highway Authority is satisfied with. The interim year scenarios showed that with the development the traffic impacts would be negligible or minor at worst. The TA concluded that the impacts with the development in place are not sufficiently significant or severe as to require interim mitigation in advance of the delivery of Phase 1 of the A29 re-alignment. The 2038 scenario with the development is improved through the delivery of the re-aligned A29. The LHA agree that the increases on the junctions and the queues at the Woodgate Railway Crossing for the 2038 scenario are not severe, but that should first occupations take place before Phase 1 of the A29 realignment provision should be made in the S106 Agreement for improvements at the War Memorial roundabout to accommodate additional traffic generated by the proposal.

In terms of the impact on A27 junctions, additional information from the applicants was submitted to National Highways (NH) for review and they are now satisfied that subject to an appropriate contribution towards the A27 mitigation required by the Arun Local Plan, the development proposals will not materially affect the safety, reliability and or operation of the strategic road network (SRN).

An Accident Review concluded that there are no existing highway safety issues requiring remedial action and that the development would not have a material impact on the level of accident risk on the road network. A Road Safety Audit of the proposals has been carried out and the recommendations taken into account.

In order to mitigate the impact of the development, proportional contributions have been secured towards the strategic mitigation for the strategic and local road network (as identified in the Arun Transport Study Enterprise Bognor Regis Report, 2017) through the S106 Agreement, as listed in the Heads of Terms document. All of the highway contributions have been calculated as a proportion of the full 4,300 dwellings in the masterplanned area, rather than the 3,000 set out in the LHA and NH responses. This is to ensure that the per dwelling contribution is correct when considered against the full number of dwellings for the masterplanned area.

Access and on-site road infrastructure:

The site is accessed through an extension to Woodgate Road, which is used by residents for on-street parking. This has been raised as a concern relating to the safety of increased traffic exiting and entering onto the A29. A parking survey was carried out which concluded that the impact of on street parking would not cause any safety issues or impair the operation of the junction with the A29. An emergency access would be provided through Oak Tree Lane on the northern site boundary. The T-junction between Woodgate Road and the A29 would be upgraded to a right turn ghost island arrangement, which would allow queuing for 5 cars waiting to turn right.

Pedestrians and cyclists would also be able to access Oak Tree Lane through the emergency route. Whilst Oak Tree Lane is currently unlit and does not include a footway along its whole length, this would be improved as future parcels of development come forward as part of BEW.

The internal road network includes a main spine road (east to west) which is 5.5m wide with a shared footway/cycleway on the southern side and 2m footway on the northern side. Residential/ secondary streets are 4.8m wide and the majority of the roads off the spine road a 4.8m shared surfaces, with some rural edge driveways which are 4.1m. Raised tables have been included at junctions to facilitate pedestrian and cyclist movements.

Parking provision includes 37 unallocated spaces, 36 visitor spaces and 248 allocated spaces and garages. The Arun Parking Standards SPD requires a total of 387 allocated spaces for the number of units proposed. The shortfall in allocated spaces is made up with the provision of 37 unallocated spaces, which means the provision for parking is only 2 spaces short (as two of the flats over ground have 1 space rather than 2). This slight shortfall is acceptable as adequate visitor parking spaces are available. All of the properties have at least one allocated space and all of the houses have 2 spaces. The parking spaces for the accessible and adaptable dwellings (M4(2) and wheelchair accessible dwellings (M4(3) are either 3.3m wide or have the ability to be widened to 3.3m. Electric vehicle charging sockets are provided for every house, with a communal charging point provided for flats in an unallocated space.

Cycle storage is provided with 1 space per 1 bed flat and 2 spaces for 2,3 and 4 bed dwellings. Storage is either in garages, rear garden sheds or communal cycle stores. 12 unallocated visitor cycle parking stands are also provided. The quantum and type of provision is in accordance with the Arun Parking Standards SPD.

The swept path analysis of the internal roads demonstrates the necessary manoeuvrability for service vehicles and cars.

Public transport, walking and cycling:

A Travel Plan has been produced which aims to reduce the amount of car travel to and from the site and encourage the use of sustainable transport. A final Travel Plan will be secured through the S106 and a contribution will ensure that the LHA can monitor the Travel Plan implementation.

Some of the facilities within Westergate, Eastergate and Woodgate can be reached on foot within 5-8 minutes, with Aldingbourne Primary School 600m and the Village Stores 350m from the site. Other services and facilities are further from the site, but as part of BEW, the accessibility to services will improve when the Local Centre planned as part of the land south of the railway is developed. The 66A and 66C Compass bus runs between Bognor Regis/ Barham, Yapton and Walberton every two hours Monday to Saturdays, with bus stops located approx 250 m from the site on the A29. The S106 secures the upgrading of the two nearest bus stops to bus shelters with real time information screens, however, as these works may be delivered by the Wings development if it comes forward first, a contribution toward bus improvements will be secured.

The S106 secures a contribution towards an east/west pedestrian/ cycle path and bridge over the Rife (E/W link), which will provide accessibility to the BEW Southern Local Centre and Linear Park, as well as planned pedestrian/ cycle routes to the north and Barnham Station. Whilst the Masterplan shows a vehicular connection in this location, this would have led to increased vehicular traffic along Woodgate Road, and the cycle/pedestrian link was considered to be preferable.

The delivery of the E/W link will be secured through the S106 agreements for both this application and for the adjoining parcel to the east of the site, when it comes forward. This application will safeguard land which will be retained for the western "landing point" of the E/W link. The S106 shall include provisions which would enable either the developer of this site or the developer of the adjoining parcel to construct the E/W link, based on when each development reaches a certain development/occupation milestone (as the need for the E-W link only arises when the adjoining site is developed). The S106 mechanism will operate so that which development reaches the applicable milestone first will pay a financial contribution to the Council (being a percentage of the total cost of the E-W link plus contingency - see further discussion regarding apportionment of cost below), and thereafter the other developer will be responsible for delivering the E/W link with the Council providing the relevant funding secured from the other developer contribution.

If the link is provided by the adjoining site, the S106 agreements shall ensure that a contribution amounting to 50% of the cost of the link will be paid by the developer of this site to the District Council prior to an agreed milestone of the open market units. However, the applicants have not at this time agreed to the 50:50 split of the costs of the link with the adjoining site developer, and consider that their contribution should be 40%, on the basis that the adjoining landowners have an additional parcel of land directly north (to the west of the Rife) which would also benefit from the link. The Council's position is that the parcels should each contribute 50%, as the developments of both sides benefit directly from the link and relying on another parcel of land would provide uncertainty over the delivery of the link and lead to delays in its delivery.

The Council need to be assured that the contribution to be secured is sufficient to cover 50% of the costs of the link construction and that the council will not be liable for any funding shortfall. Initial design and costing work has been carried out by the applicant and shared with the adjoining landowner. However, the cost of the link has not been agreed between Pye Homes and the adjoining developer, due to the lack of detailed design and missing costs. A mechanism to either pay back any overspend or recover any additional spend, has at this time been included in the S106 Agreement, which would cover any changes in costs. However, both parties are concerned about the lengthy timescales that would be involved and difficulties recovering costs after a developer has completed a site. An alternative would be for both parties to agree on a contingency to allow for higher costs. For that approach to be acceptable

the Council will clearly need to be satisfied that any built-in contingency in the proposed costings did not leave any shortfall that the public purse would need to meet.

The S106 will ensure that the E/W link will be constructed to adoptable standards by whichever party delivers the link, and that a management strategy is put in place to ensure that the link is maintained and managed, unless/until it becomes adopted or is transferred to the District Council (as it falls within the Linear Park) in which case a maintenance contribution would be applied.

Woodgate Road would be improved with the addition of a 2.5m width shared footway/cycleway on the northern side of the road, which will continue through the site and in the future, across the bridge to access the Southern Local Centre. This shared cycleway/ footway would continue northward along the A29, on the eastern side of the road then on the western side of the road, terminating just before the junction with Hook Lane.

On the basis of the above, and subject to the comprehensive financial scheme of mitigation in the Heads of Terms document, the development provides for the infrastructure required. The development accords with the endorsed Framework Masterplan and accords with Policies H SP2, H SP2c, T SP1 and T DM1 of the Arun Local Plan and Policies GA2 and GA3 of the Aldingbourne Neighbourhood Development Plan.

5. TREES & LANDSCAPING

The landscaping of the site includes extensive tree planting within the open spaces on the site. The central open space will have grass lawn mixture, and the eastern open space will be grassland with wildflower mixes. Native hedging will be used around the site boundaries. Front gardens will have shrub planting including species which attract pollinators. The detailed planting plans will be secure through a condition to avoid any conflicts between trees and drainage features.

There are four clusters of trees subject to a TPO. One group is along the northern boundary and includes 3 trees. Another TPO covers a group of trees in the centre of the site. There are an additional two TPO trees to the east of the site and three on the western boundary. The layout has largely been designed to avoid the root protection areas (RPA) of the protected trees, however there are footways, the emergency access road and one garage within the RPA of TPO trees. The Tree Protection Plan shows that these are 'areas of sensitive working'. A condition will secure an Arboricultural Method Statement in accordance with the Heads of Terms for an Arboricultural Method Statement (set out in the Arboricultural Survey and Impact Assessment)

The hard landscaping materials include tarmac for the main spine road and footpaths. Shared surfaces, driveways and parking are in block paving to differentiate from the main spine road which will help legibility.

On the basis of the above, the development would not adversely impact upon the health or longevity of trees and would provide for a high quality landscaping and play space which supports both this development and the wider BEW allocation. Therefore, the development accords with Policies H SP2, H SP2c, ENV DM4 of the Arun Local Plan and Policy EH6 of the Aldingbourne Neighbourhood Development Plan.

6. PUBLIC OPEN SPACE & PLAYSPACE PROVISION

Policy OSR DM1(2) (ALP) requires housing to contribute towards open space provision in accordance with the guidance set out in the current Open Space Study. Policy OSR DM1 requires playing pitch provision in accordance with the guidance set out in the Playing Pitch Strategy. This provision includes

improvements to existing provision to increase playing capacity. This matter is detailed further in the infrastructure section of this response. Policy OSR DM1 requires indoor sport and leisure facilities to be provided through financial contributions in accordance with the guidance set out in the Indoor Sport and Leisure Facilities Strategy. All developments which provide new public open space should have regard to the 'Secured by Design' guidance documents and also be consistent with all other Local Plan policies.

The scheme has been designed with different areas of public open space, including a central green space leading to the eastern open space. Part of the eastern open space will form part of the Linear Park (Lidsey Rife Park) which will link up with other parts of the Linear Park as adjacent sites within BEW are developed. The site layout includes footpaths to the boundaries to the north and south, in addition to the east/west cycle pedestrian bridge. An informal path is provided around the southern boundary of the site and through to Oak Tree Lane. The overall quantum of public open space is 24,666 sqm excluding SuDs provision. This exceeds the requirement of 12,672 sqm public open space set out in the Open Space, Playing Pitches, Indoor and Built Sports Facilities SPD (2020).

The Children's Play Area provides 1,880 sqm of play space (an Enhanced Locally Equipped Area of Play - ELEAP) and is located in the eastern part of the site. The play space requirement for a site of 180 dwellings is 2,178 sqm. The Play Area has good natural surveillance from the surrounding dwellings and is an appropriate distance from properties to avoid causing amenity impacts. The eastern area of the site will form part of the Linear Park in future.

On the basis of the above, and subject to the package of financial contributions and obligations in relation to delivery of open space and play facilities in the S106 Heads of Terms, the development accords with Policies H SP2, H SP2c and OSR DM1 of the Arun Local Plan.

7. DESIGN

Policy H SP2 (ALP) makes clear that sites should be comprehensively planned and should have regard to a Masterplan endorsed by the Council. The Council have now endorsed the Framework Masterplan for the BEW Strategic Development Site in November 2020. This Masterplan sets out the design and placemaking principles for the delivery of development.

The criteria contained within Policy H SP2c requires the design of development and landscaping to ensure that there is continuity between the existing landscape setting and villages and preserve the separate identities and avoid any further coalescence of the three villages through the delivery of green infrastructure. The BEW Masterplan identifies this site as forming an extension to the existing settlement of Woodgate, rather than part of the new settlement.

The spine road through the site follows the line of Woodgate Road and provides a logical extension to the existing street into the new site, ensuring the integration and connectivity with the existing village. The existing high value trees in the centre of the site have been integrated into the design of the site and form part of the central green space adjacent to the spine road, which then joins with open space to the east of the site (which will form part of the Linear Park in the future). Retained trees on the western boundary have also been incorporated into open space.

The layout includes predominately 1 storey and 1.5 storey homes to along the southern boundary which reflects the scale of the existing buildings to the southern boundary of the site, which overlooks the Willows Caravan Park. The scale of the buildings along the spine road will be a step up from the 1 storey dwellings on Woodgate Road, to 2 storey dwellings at the site entrance. As there is a break in the built form between the existing and new dwellings, the uplift in scale is appropriate. There are three blocks of flats which are 3 storey, and 2.5 storey houses are located to the east of the site, flanking the spine road and facing the open space. The Parish Council have criticized the use of 2.5 and 3 storey

dwelling, on the basis that they are not characteristic of the area. Policy D DM1 requires that the scale of development should keep within the general confines of the overall character of the locality unless it can be demonstrated that the contrary would bring substantial visual improvement. The 3 and 2.5 storey buildings frame the central open space and provide a sense of definition and enclosure to the space. The 3 storey buildings also act as local marker buildings which help people to navigate through the site. The use of 2.5 storey buildings in a formal arrangement overlooking the open space would not be appropriate facing onto open landscape, as is currently the case. However, as part of a Masterplanned site, this edge will be overlooking the Linear Park, a key feature of the BEW development. The Arun Design Guide includes a 'heights development example' (Fig 200) which shows 2 and 3 storey properties fronting onto the green spine of the example development. Therefore, the use of 2.5 storey dwellings is appropriate as it will be viewed as an edge of the Linear Park, rather than open countryside.

The Design and Access Statement includes a contextual analysis which identifies the local materials palette and design features which have been used within the development. Materials used include render, flint with feature brick, brick with quoining and window detailing. Other features identified included chalet dwellings with feature gable forms, gable bay windows, chimneys and recessed porches. The use of weatherboarding has been raised by the Parish Council as not being characteristic of Arun District (the Design Guide 'Inland Arun' section refers to stone and flint wall, pastel rendering and tile hanging). Whilst weatherboarding may not be a prevalent material in the locality, there are some examples of its use in the area and having an additional material provides more interest in the street scene. The Parish have also requested that the weatherboarding used should be a traditional material. The Design Guide SPD supports the use of natural and sustainable materials wherever possible, provided that they are robust and weather well over time. The details of the materials will be secured through a condition. Overall, the use of the materials across the site will add visual interest to the development and relate to the surrounding context.

The Parish Council have objected to the design of the dwellings, stating that they have wide spans, bulky complex rooflines and a top heavy, suburban form, and that the steep roof pitches and blank facades also not compliant with Design Guide (p90). They state that prevailing roof forms are simple with double pitched gable ends or hipped roofs and that high pitch angles should not be used. House Type 'R' (used on 7 plots), House Type 'J' (used on 12 plots) have a roof angle of 50 degrees to allow for attic accommodation. These are the steepest pitches used and it is not considered that they are too steep. The remainder of the roof pitches are between 40 and 45 degrees. The differing roof pitches, combined with occasional chimneys help to add variation in the roofscape. The windows are evenly positioned, with the use of bay windows on some units to add interest and an attractive feature.

The density of the development is 24.8 dwellings per hectare which is a low density development appropriate to the location.

On the basis of the above, the design of development accords with the design principles outlined in Policies H SP2, D DM1 and H SP2c of the Arun Local Plan, the Arun Design Guide and Policy H2 of the Aldingbourne Neighbourhood Development Plan.

8. NEIGHBOUR AMENITY, NOISE, AIR QUALITY AND LIGHTING

Policy QE SP1 (ALP) requires all development to contribute positively to the quality of the environment and ensure that development does not have a significantly negative impact upon residential amenity. Policy D DM1(3) (ALP) requires development to have a minimal impact to users and occupiers of nearby property and land. For example, by avoiding unacceptable noise and disturbance.

The receptors of sensitivity surrounding the site comprise those along the western boundary of the site and the caravans along the southern boundary of the site. Whilst the Council acknowledges that the

caravans are not for permanent residential occupation, their occupation is permitted for a substantial period of time.

The layout of the site does not give rise to any concerns about impact on the amenity of existing residents due to the separation distance of the new properties from existing properties on the western boundary with Woodgate Road. The use of 1 and 1.5 storey properties along the southern boundary, combined with the set back from the boundary, ensures that the proposed development will not be overly dominant for existing residents.

A Noise Assessment has been submitted with the application which concludes that the internal and external noise levels at the site are at an acceptable level. This was based on a noise survey to determine the noise from the railway and A29/Lidsey Road, which was adjusted to reflect typical, pre-Covid-19 traffic levels. The results showed that the daytime noise levels for the proposed site are less than 55dB LAeq and that night-time noise levels are less than 45dB LAeq and less than 60 dB LA MAX. Environmental Health requested some additional information and are satisfied that provided the external facade construction is installed as detailed in section 7.1 of the report and the Construction Noise and Vibrations Mitigation measures in section 10 are followed at all times, that the noise levels are acceptable. Conditions are recommended to protect early occupiers from noise and vibration and to ensure that there is no adverse impact from noise from the proposed electricity substation.

The submitted Air Quality Assessment considers the impact of the development on local air quality, in particular the NO₂ levels at the Woodgate Crossing as well as construction dust (nuisance, human health and ecological impacts). The impact on local air quality was assessed as not significant. The risk of construction dust was considered high for nuisance dust soiling effects and low risk for human health effects. In order to mitigate the risk of dust soiling, a condition is proposed to ensure that the construction dust mitigation measures (set out in Appendix A of the Assessment) are implemented across all phases and parts of the development. The construction and demolition activities will be limited, through a condition, to between 08:00 to 18:00 hours (Monday to Friday) and 08:00 - 13:00 hours (Saturday) with no 'noisy' work on Sunday or Bank Holidays. A Construction Management Plan will be required to protect residential amenity.

The Lighting Assessment submitted with the application confirms that the lighting scheme has been designed to the 'E2 Rural' standard (e.g. low brightness) and that there will be no light spill over 1 lux beyond the boundary of the site and the luminaires used give no direct upward light. The majority of the existing trees across the site are outside the areas that will be lit, and the Ecology officer has confirmed that the lighting strategy is appropriate for bats.

On the basis of the above and subject to conditions, the development therefore provides for an adequate level of residential amenity for both future and existing occupants of the site and nearby area and therefore accords with Policies QE SP1 and D DM1 of the Arun Local Plan.

9. SUSTAINABILITY AND CLIMATE CHANGE

Policy ECC SP2 (ALP) requires all new residential development to be energy efficient and to demonstrate how they will:

- a. Achieve energy efficiency measures that reflect the current standards applicable at the time of submission;
- b. Use design and layout to promote energy efficiency; and
- c. Incorporate decentralised, renewable and low carbon energy supply systems, for example, small scale renewable energy systems such as solar panels.

Policy ECC SP2 (ALP) requires that for all major developments 10% of the total predicted energy requirements from renewable or low carbon energy generation on site, unless it can be demonstrated this is unviable.

The application includes an Energy Efficiency and Low Carbon Technologies Appraisal report. This calculates that the 10% generation of annual energy requirements could be met with the provision of PV panels on 65 No. suitable properties. The submitted sustainability plan only shows PV panels on 57 dwellings, therefore a condition will be required to secure a revised plan with the appropriate number of dwellings to meet the 10% requirement. The layout provides some opportunity to maximise solar gain where the streets are laid out in an east/west pattern as shown on the sustainability plan.

On the basis of the above and subject to a condition, the development would provide for at least of 10% of the total predicted energy requirements to comprise renewable. Therefore, the development accords with Policy ECC SP2 of the Arun Local Plan.

10. FLOOD RISK, DRAINAGE AND WATER

The application include a Flood Risk Assessment (FRA) which includes surface water and foul drainage strategies. The site slopes from the north west corner (9.50AOD) towards the south eastern boundary at a gradient of 1.0%, with a steeper gradient where the land falls towards the Lidsey Rife in the east of the site. A foul sewer runs centrally across the site west to east.

The majority of the site is within Flood Zone 1, with the eastern area falling within Flood Zones 2 and 3. The built development is all within Flood Zone 1. As the site is allocated for housing within the Arun Local Plan, there is no requirement for the proposal to be subject to a sequential test as this was carried out prior to allocation of the site. The Environment Agency has not raised an objection to the proposal, subject to conditions. The submitted FRA demonstrates that the proposal would be safe and would not lead to an increase in flooding elsewhere in accordance with Policies W DM2 of the Arun Local Plan and EH5 of the ANP.

The detailed drainage strategy will be considered through the discharge of the conditions, however, it is important to ensure that there is sufficient space within the layout to allow for the site to be satisfactorily drained and that no conflicts exist with landscaping or other features shown on plans to be approved. The proposed surface water drainage strategy will drain to the existing watercourse via a series of basins and swales

Ground water monitoring and infiltration tests confirmed poor soakage rates, which means that shallow infiltration features (e.g. permeable paving) are not suitable for the site. The proposed strategy for surface water drainage is based on providing for a 1 in 100 year event with a 30% allowance for climate change, with a sensitivity test undertaken with a 40% allowance for climate change. Attenuation features on the site will include lined permeable paving, swales and an open storage pond within the eastern open space. Flows from the pond will discharge (at restricted rates) into the Lidsey Rife.

Foul drainage will be through a connection to the existing foul network which connects to Lidsey Wastewater Treatment Works. Whilst there is currently insufficient capacity in the local network to serve the development, Southern Water would aim to provide the necessary upgrades within two years of permission being granted. A condition will ensure that development is phased to align with these network improvements, in line with the advice from Southern Water.

ADC Engineers have reviewed the proposed drainage strategy and have some minor remaining concerns about the proposed outfall location and level, as well as potential for tree roots from new planting to conflict with drainage features. These issues can be resolved through the imposition of a

condition requiring the submission of detailed planting plans and through conditions requiring the detail of the drainage system.

On the basis of the above, the development therefore would not result in adverse impacts upon flood risk or drainage and therefore accords with Policies W SP1, H SP2c, W DM1, W DM2 and W DM3 of the Arun Local Plan and Policy EH5 of the Aldingbourne Neighbourhood Development Plan.

11. HERITAGE & ARCHAEOLOGY

A Desk Based Heritage Assessment accompanied the application. This considered the archaeological and designated heritage assets within the site and within a 1km radius. The Assessment concludes that the archaeological resource would not represent a constraint to the development. The council's Archaeology Advisor agrees with the conclusions of the Assessment and recommends further investigation through field evaluation prior to development which can be secured through a condition.

The Assessment identified grade II listed buildings and the grade II* listed parish church (St. George's) in Eastergate Conservation Area. The listed buildings identified are located on Westergate Street and within the Eastergate Conservation Area. The cluster of listed buildings in Eastergate are identified in the Assessment as forming a distinctive group of buildings focused around the church. The church is identified as the focal point of the Conservation Area. The Assessment also identifies the locally listed Old Farm and The Old Manor House historic farmsteads as a local landmark. The Assessment concludes that the heritage value of the listed buildings lies 'principally in the architectural and historic value of the fabric and appearance' and that 'these assets currently have no direct historic, physical or visual relationship to the site'. The Conservation Officer agreed with this assessment of their significance and value.

The Assessment concluded that based on the distance of the listed buildings from the development site, it was unlikely that the development would cause any harm to their value or setting. The Conservation Officer agreed that the distance between the site, the screening and lack of intervisibility between the site and the heritage assets that there is no direct historic or physical relationship to the development site, nor does the site form part of their setting.

On the basis of the above and subject to a condition on archaeology, the development will not impact upon the significance of any heritage assets or impact on the conservation area and therefore accords with Policies HER SP1, HER DM1, HER DM3 and HER DM6 of the Arun Local Plan.

12. BIODIVERSITY

Policy ENV DM5 (ALP) requires development schemes, in the first instance, to achieve a net gain in biodiversity and protect existing habitats on site.

The application includes an Interim Ecological Assessment Report which reports on surveys for bats, otters, badgers, hazel dormouse, water voles and reptiles. The site supports suitable habitat for foraging and commuting bats, badger, nesting birds, reptiles, invertebrates and European hedgehog. The Lidsey Rife supports a low population density of water vole.

The bat survey concluded that the site was of 'site value' to roosting bats and of local value as a foraging and commuting habitat. There was no evidence of otters, badgers, hazel dormouse. The section of the Lidsey Rife was found to be likely to support a low population of water vole. The bird survey concluded that the site provided nesting opportunities for red listed starling and house sparrow within the buildings. The reptile survey concluded that the site was support an important population of reptiles and was classified as 'site level value'. The great crested newt survey concluded that the habitat on site was

unlikely to support populations. The on-site habitat for invertebrates was classified as 'site level value'. The survey did not establish the presence of European hedgehogs but a 'site level value' was concluded.

In relation to designated sites, the site is just (11.9km) within the 12km buffer zone for supporting barbastelle and Bechstein's bat linked to the Singleton and Cocking Tunnels SAC. The site was assessed as being of moderate suitability to support foraging and commuting bats, however, the survey only found a very low number of barbastelle bats and concluded that the development is unlikely to negatively impact foraging and commuting barbastelle. The reinforcement of existing hedgerows and planting of additional native species hedgerow will provide an increase of 400m of habitat. Tree planting will also provide a foraging habitat. The council undertook an Appropriate Assessment and consulted Natural England. Natural England responded and concurred with the conclusions of the council that the proposal can be screened out from further stages of assessment because significant effects are unlikely to occur.

Mitigation measures proposed include tree protection measures, the implementation of a Construction Environmental Management Plan (CEMP), sensitive working methods, sensitive lighting and timing of works in relation to bats, birds, reptiles. Close boarded fencing will contain hedgehog holes. Enhancement measures include the installation of bird and bat boxes, new landscaping, areas of grassland, log piles, wetland and marginal planting around the attenuation basin, native tree and hedgerow planting. The bird boxes will be suitable for swallows, house sparrows and a range of other species.

A biodiversity net gain assessment has been carried out (using Biodiversity Metric 2.0). This concluded a net gain of 16.05% for habitat units and a 382.76% increase for hedgerow units, which meets the requirement of 10% net gain overall.

On the basis of the above and subject to conditions to secure the ecological mitigation and enhancement measures, the development would achieve a net gain in biodiversity and therefore accords with Policy ENV DM5 of the Arun Local Plan.

13. OTHER ISSUES

A preliminary ground investigation has been carried out which highlighted the need for further intrusive works and gas monitoring on site in order to fully assess the contamination risk across the site. Environmental Health and the Environment Agency (EA) have recommended conditions to ensure this investigation and any remediation measures are carried out. Additionally, the EA have identified that surface water infiltration methods should be avoided due to the location of the site on a secondary aquifer. A condition will ensure that no infiltration drainage systems or piling are used without the approval of the local planning authority.

Subject to conditions, the proposal accords with Policy QE DM4 of the Arun Local Plan and will protect the amenity of residents and ensure that the development does not contribute to water pollution in line with paragraph 170 of the NPPF.

14. S106 AND INFRASTRUCTURE

Development is only acceptable with the provision of, or contributions to, the necessary infrastructure and facilities required to mitigate the impacts of the proposed residential development. Policy H SP2c of the Local Plan sets out the strategic and site wide infrastructure requirements for the BEW strategic allocation, which include:

- A well connected local centre, with connections to the train station at Barnham;

- New retail, commercial and community facilities;
- New Tier 7 library;
- Healthcare facilities to serve the BEW strategic allocation and Fontwell;
- Transport requirements including a new A29 route through the allocation, an east-west route north of the railway linking the existing and new A29 route, Westergate cycle link scheme, regular bus services, access to Barnham Station;
- A new two-form entry primary school, a new one-form (expandable to two-form) entry primary school and nursery places;
- Incorporate two new sports pitches and changing facilities; and
- New employment provision.

The majority of the proposed Heads of Terms for a S106 agreement with the Local Planning Authority securing the necessary mitigation measures and contributions to the provision of the above facilities within the wider BEW allocation have been agreed with the applicant, however negotiations are ongoing in relation to the E/W link. Full details of the council's requirements are provided in the attached Heads of Terms document.

A late objection has been received from WSCC Education objecting to the application on the basis that there is no capacity within existing primary or secondary schools, combined with the lack of a secured site for the new secondary school in the District, and uncertainty of the timing of the provision of the new primary school within the BEW allocation. This position has changed from their initial response which sought education contributions. However, this development alone does not generate the need for a new secondary school or new primary school. In relation to the secondary school, the applicants are making the necessary and proportionate contribution towards the provision of the new school in accordance with the agreed approach. It has been agreed with WSCC that we will revisit looking at potential secondary school sites, but it is unreasonable to reject this application solely on the absence of a secured school site when an appropriate contribution has been secured towards its delivery. In relation to the primary school, the application for the first larger phase of the BEW allocation, which includes the first primary school, has been submitted. The Environmental Statement for application BN/11/22/OUT states that the primary school would be open by 2030. The timing of the delivery of the primary school is also outside the applicants control and it would also be unreasonable to refuse this development on that basis.

15. CONCLUSION

This assessment has found that the development is in accordance with the Development Plan in regard to the principle of development, layout/design, open space provision, housing mix/affordable housing, highways/transport, parking and access, trees/landscaping, biodiversity/ecology, sustainability/climate change, heritage/archaeology, residential amenity, surface/foul water drainage and infrastructure delivery.

This assessment has not found any other material considerations that would warrant the development to be considered other than in accordance with the Development Plan.

Therefore, subject to the provision of the S106 agreement to secure the infrastructure delivery required to mitigate the developments impacts and appropriate conditions, planning permission can be approved.

16. RECOMMENDATION:

It is recommended that the Planning Committee delegate authority to the Group Head of Planning (in consultation with the Chair and Vice-Chair) to:

- a. Grant planning permission subject to conditions and;

b. Subject to a Section 106 Agreement, the terms of which are substantially in accordance with the Heads of Terms document attached to this report with any minor amendments authorised by the Group Head of Planning

Should the S106 contributions and obligations identified within the Heads of Terms not be agreed by the applicant delegated authority be granted to the Group Head of Planning (in consultation with the Chair and Vice-Chair of Planning Committee) to refuse the application, on the basis that failure to agree the terms of the S106 would result in the proposed development failing to mitigate its impact and result in conflict with relevant development plan policies.

HUMAN RIGHTS ACT

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

See attached Heads of Terms document.

CIL DETAILS

This application is not subject to CIL as the strategic allocations are zero rated.

RECOMMENDATION

APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT

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

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

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

Location Plan PL 01 A
Topographical Survey PYE/GW0164/1 Sheets 1-6
Site Layout PL 02 P12
Site Detailed Layout PL 03 P5
Site Detailed Layout PL 04 P4
Materials Plan PL 05 P6
Heights Plan PL 06 P6
Tenure Plan PL 07 P7
Parking Plan PL 08 P6
Type A1 -Affordable PL 11 P1
Type A2 - Private PL 12 P1
Type C- Private PL 13 P1
Type D - Private PL 14 P1
Type E1 -Affordable PL 15 P1
Type E2 - Private PL 16 P1
Type F - Private PL 17 P1
Type G - Private PL 18 P1
Type H - Private PL 20 P1
Type I- Affordable PL 21 P1
Type J - Private PL 22 P1
Type K -Affordable PL 23 P1
Type L1 - Private PL 24 P1
Type L2 - Private PL 25 P1
Type M - Private PL 26 P1
Type R - Private PL 28 P1
Type S - Private PL 29 P1
Type T - Private PL 30 P1
Type U - Private PL 31 P1
Garage PL 32 P1
Flat Block A - Floor Plans PL 40 P1
Flat Block A - Elevations PL 41 P1
Flat Block B PL 42 P1
Flat Block C PL 43 P1
Flat Block D - Floor Plans PL 45 P1
Flat Block D - Elevations PL 46 P1
Street Scenes Sheet 1 PL 50 P2
Street Scenes Sheet 2 PL 51 P3
Street Scenes Sheet 3 PL 52 P3
Street Scenes Sheet 4 PL 53 P1
Street Scenes Sheet 5 PL 54 P1
Accommodation Schedule K01 H
Landscape Masterplan LAS 103 05 I
Landscape Masterplan (No E/W Link) LAS 103 05 I
Play Area Proposals LAS 103 06 D
Site Access and Cycle Connection 20-061-014 J

Refuse Swept Path Analysis 20-061-022
 Refuse Swept Path Analysis 20-061-023
 Visibility Splays 20-061-028 C
 Refuse Strategy 20-061-028 C
 Fire Strategy 20-061-029 C
 Emergency Access 20-061-032 B
 Proposed Lighting Drawing 100255-JLD-ASMT-DR-001 P02

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

- 3 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes and (if requested by the LPA) samples of such materials and finishes to be used for external walls and roofs of the dwellings 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 by endeavouring to achieve a building of visual quality in accordance with policies D SP1 and D DM1 of the Arun Local Plan.

- 4 No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on the drawing titled Site Access 20-061-014 D.

Reason: To secure satisfactory standards of access for the proposed development in accordance with policies T SP1 and T DM1 of the Arun Local Plan.

- 5 The development shall not be first occupied until a phasing plan for construction of the road(s), footways, and casual parking areas serving the development has been submitted and approved by the Local Planning Authority. The roads (s) footways and casual parking should be constructed, surfaced, and drained in accordance with the approved plans and phasing plan.

Reason: To secure satisfactory standards of access for the proposed development in accordance with policy T SP1 and T DM1 of the Arun Local Plan.

- 6 The development shall not be first occupied until a phasing plan for the vehicle turning spaces serving the dwellings has been submitted and approved by the Local Planning Authority. The vehicle turning spaces shall be constructed within the site in accordance with the approved site plan and phasing plan. The spaces shall thereafter be retained at all times for their designated use.

Reason: In the interests of road safety and in accordance with policies T SP1 and T DM1 of the Arun Local Plan.

- 7 No dwelling shall be first occupied until the car parking serving the respective dwelling has been constructed in accordance with the approved site plan. Once provided the spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the users of the development in accordance with Policy T SP1 and T DM1 of the Arun Local Plan.

- 8 Prior to occupation of any of the dwellings, details of the proposed electric vehicle charge points outlined in 3.4.2 of the submitted Travel Plan (C&A Consulting Engineers, 20-061 report no. 008 dated August 2021) shall be submitted to the Local Planning Authority for approval

and thereafter installed in accordance with the approved details and the charge points shall be retained and maintained in good working condition. Charge points should be Mode 3, 7kw fast chargers as a minimum.

Reason: New petrol and diesel cars / vans will not be sold beyond 2040, 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 District Council Electric Vehicle Infrastructure Study (November 2017) and the National Planning Policy Framework (NPPF).

- 9 No dwelling shall be first occupied until covered and secure cycle parking spaces serving the respective dwelling has been provided in accordance with plans and details approved by the Local Planning Authority under condition 2 of this permission. Once provided the cycle parking shall thereafter be retained at all times thereafter for their designated purpose.

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

- 10 Upon the first occupation, the Applicant shall implement the measures incorporated within the approved Travel Plan. The Applicant shall thereafter monitor, report and subsequently revise the Travel Plan as specified within the approved document.

Reason: To encourage and promote sustainable transport in accordance with policy T SP1 and T DM1 of the Arun Local Plan.

- 11 No part of the development shall be first occupied until the emergency vehicular and foot and cycle access onto Oak Tree Lane has been constructed in accordance with plans to be submitted and approved by the LPA. The access once constructed shall thereafter be used by emergency vehicles, pedestrians, and cyclists only.

Reason: To ensure that the emergency and sustainable access is suitable for its intended purpose and in accordance with policy T SP1 of the Arun Local Plan.

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

- An indicative programme for carrying out of the works;
- 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,
- A scheme for recycling / disposing of waste resulting from demolition and construction works i.e. no burning permitted.
- The loading and unloading of plant, materials and waste including permitted times for deliveries,
- The storage of plant and materials used in construction of the development,
- The erection and maintenance of security hoarding,
- 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 provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),

- Details of public engagement and consultation both prior to and during construction works and continued liaison during construction works.

Reason: In the interests of highway safety and the amenities of the area in accordance with policy T SP1 and to protect the amenity of local residents in accordance with Policy QE SP1 of the Arun Local Plan.

- 13 Details for the storage of waste on the premises shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Once approved the waste storage shall be maintained as such at all times thereafter.

Reason: To protect the amenities of nearby residents in accordance with Arun Local Plan policy WM DM1.

- 14 No development shall commence until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority.

Reason: The site is of archaeological significance in accordance with Arun Local Plan Policy HER DM6. This is required to be a pre-commencement condition to ensure no irreversible harm to any archaeological significance is incurred throughout the undertaking of this development.

- 15 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 the development has a satisfactory means of disposing of foul sewerage in accordance with policies W DM1 and W DM3 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition as the foul drainage system goes to the heart of the planning permission.

- 16 Occupation of the development is to be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate waste water network capacity is available to adequately drain the development.

Reason: To ensure adequate foul capacity is available to satisfactorily drain the development and avoid adverse impacts upon the environment in accordance with policies D DM1, W DM1, W SP1, ENV DM2 and H SP2a of the Arun Local Plan.

- 17 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.

- 18 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.

- 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 and in accordance with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan.

- 20 No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the Local Planning Authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

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 caused by mobilised contaminants. This is in line with paragraph 170 of the National Planning Policy Framework.

- 21 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 and in accordance with current policies. No construction is permitted, which will restrict current and future landowners 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.

- 22 Piling and using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it

has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: The Ground Investigation Report (09/08/2021) recommends the uses of piles in some parts of the site and therefore this condition is required to ensure that the proposed piling, does not harm groundwater resources in line with paragraph 170 of the National Planning Policy Framework To prevent pollution of groundwater in accordance with Arun Local Plan policy W DM1.

- 23 Construction and demolition work shall be carried out in accordance with the noise mitigation measures in the Noise Assessment (28th October 2021) to control noise from the development on occupants of existing nearby residential properties and future occupants of the new residential properties.

Reason: To protect the amenity of local residents in accordance with Policies QE SP1 and QE DM1 of the Arun Local Plan. This planning condition is required to be pre-commencement to ensure an assessment of noise impacts from development and measures to mitigate impacts are secured prior to works commencing.

- 24 All measures recommended in Appendix A - Construction Dust Mitigation for High Risk Sites of Hydrock's Air Quality Assessment Doc ref WC HYD-XX-ZZ-RP-Y-2003, dated 6 August 2021 shall be implemented across all phases and parts of the development at all times.

Reason: To protect the amenity of local residents in accordance with Policy QE SP1 of the Adopted Arun Local Plan
2011 - 2031

- 25 If residential properties are to be completed and occupied prior to the whole development being finished, a scheme to protect those early occupants from noise and vibration should be submitted and approved in writing by the Local Planning Authority.

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

- 26 Prior to the first use of the electricity substation, an acoustic report assessing the impact 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 or commercial properties.

For residential accommodation, 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).

The electricity substation equipment shall be maintained in a condition so that it complies with the levels and mitigation measures specified in the approved acoustic report, whenever it is operating. After installation of the approved plant, no new plant shall be used without the written consent of the Local Planning Authority.

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

- 27 No construction/demolition activities shall take place, other than between 0800 to 1800 hours

(Monday to Friday) and 0800 to 1300 hours (Saturday) with no noisy work on Sunday or Bank Holidays.

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

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

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

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

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

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

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

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

The scheme shall be implemented as approved.

Reason: The Ground Investigation Report (09/08/2021) details historic unpermitted landfilling on site, including the deposit of animal wastes and motor vehicles. In addition the site has been used for light industrial purposes including a vehicle repair workshop and for equestrian purposes. Therefore this condition is required to ensure that the development does not contribute to, or is not put at unacceptable risk from/adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework. To protect the amenity of local residents in accordance with Policy QE DM4 of the Arun Local Plan. This condition is required to be pre-commencement to ensure any contamination on site is appropriately remedied prior to works commencing.

29 Prior to any part of the development being occupied, a Verification Report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of that remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

The report shall also include a 'long-term monitoring and maintenance plan' for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification report, and for the reporting of this in writing to the Local Planning Authority.

Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 170 of the National Planning Policy Framework. To protect amenities in accordance with Policy QE DM4 of the Arun Local Plan.

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

Reason: To protect the amenity of local residents in accordance with Policy QE DM4 of the Adoption Arun Local Plan 2011 - 2031. 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.

- 31 The installation of lighting shall accord with the details set out in in the submitted Lighting Report published by Joseph Lighting only and maintained as such at all times thereafter. Should additional lighting be required to serve individual dwellings hereby approved by this permission, any such lighting shall accord with the specifications contained within the above published report only and maintained as such at all times thereafter.

The approved installation shall be maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to a variation.

Reason: To protect the amenity of local residents and protected species in accordance with Policies QE SP1, QE DM2 and ENV DM5 of the Arun Local Plan.

- 32 Landscaping (hard and soft) shall be carried out in accordance with the details to be submitted to, and agreed in writing, with the Local Planning Authority, prior to the commencement of development.

All planting, seeding or turfing comprised in the approved details shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and of the environment of the development in accordance with policy D DM1 and ENV DM4 of the Arun Local Plan. This is required to be a pre-

commencement condition to ensure the planting can be agreed with the materials palette of the buildings.

- 33 No trees/or bushes/growing/and to be retained/on the site shall be damaged, uprooted, felled, topped or lopped without the prior written consent of the Local Planning Authority until 2 years after completion of the development hereby permitted. Any trees removed without such consent or being severely damaged or becoming seriously diseased or dying before the end of that period shall be replaced with trees of such size and species as may be agreed with the Local Planning Authority.

Reason: To ensure the retention of vegetation important to the visual amenity and for the environment of the development in accordance with policies D DM1 and ENV DM4 of the Arun Local Plan.

- 34 No development including site access, demolition or associated construction activities shall commence unless and until all the existing trees/bushes/hedges to be retained on the site have been protected in accordance with an Arboricultural Method Statement and Tree Protection Plan (in accordance with the Arboricultural Method Statement Heads of Terms) submitted to and approved by the Local Planning Authority. The development shall be undertaken in accordance with the details so approved. Within the areas so fenced off the existing ground must not be cultivated, nor must it be lowered or raised or added to by the importation and spreading of top soil unless agreed by the Local Planning Authority. There must be no materials, temporary buildings, plant machinery or surplus soil shall be placed or stored thereon without prior written approval of the Local Planning Authority.

No trenching should occur within the protective fencing surrounding the Root Protection Area. If roots requiring severance to allow for the passage of services is necessary then an arboriculturist would be required to assess and determine whether the loss of the roots would be detrimental to the continued health and stability of the affected tree.

Reason: To ensure the retention and maintenance of trees and vegetation which is an important feature of the area in accordance with policy ENV DM4 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition as the protection and retention of trees goes to the heart of the planning permission.

- 35 A Construction Environmental Management Plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of demolition.

The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones", including measures to protect Lidsey Rife.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.
- i) Containment, control and removal of any Invasive non-native species present on site

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

Local Planning Authority

Reason: To conserve protected and Priority species and allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species). This condition is necessary to ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in line with national guidance and Policy ENV SP1 and ENV DM5 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition as the protection biodiversity goes to the heart of the planning permission

- 36 A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior occupation of the development.

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

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

Reason: To allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species). This condition is necessary to ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in line with national guidance and Policy ENV SP1 and ENV DM5 of the Arun Local Plan.

- 37 Prior to any works above slab level a Biodiversity Enhancement Strategy (in accordance with the Ecological Impact Assessment (October 2021)) for protected and priority species shall be submitted to and approved in writing by the Local Planning Authority.

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

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

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

Reason: To enhance protected and Priority species & habitats and allow the Local Planning Authority to discharge its duties under the NPPF 2021 and s40 of the NERC Act 2006 (Priority habitats & species). This condition is necessary to ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in line with national guidance and Policy ENV SP1 and ENV DM5 of the Arun Local Plan.

- 38 The development shall be undertaken in accordance with the mitigation measures set out in the Ecological Impact Assessment (October 2021) and maintained in perpetuity, where required, at all times thereafter.

Reason: To protect local wildlife and protected species, in accordance with the relevant legislation and policy ENV DM5 of the Arun Local Plan.

- 39 No removal of hedgerows, trees or shrubs, brambles, ivy and other climbing plants shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority.

Reason: To allow the Local Planning Authority to discharge its duties under the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

- 40 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).

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

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

- 41 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 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-wider 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.

- 42 Prior to commencement of development the applicant shall prepare and submit for approval to the Local Planning Authority an Employment and Skills Plan. Following approval of the Employment and Skills Plan the development will implement and promote the objectives of the approved plan.

Reason: In accordance with Policy SKILLS SP1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition as it relates to the construction phase of development and to ensure measures are in place so that local crafts people and apprentices are employed on the development.

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

Prior to the first occupation of any dwelling forming part of the proposed development that they will at their own expense install the required fire hydrants (or in a phased programme if a large development) in the approved location to BS 750 standards or stored water supply and arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting.

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

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

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

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

- 44 INFORMATIVE: This permission conveys consent under planning legislation only and contravention with other legislation e.g. protection of wildlife etc. should be considered.

- 45 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.

- 46 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to the matters detailed in the corresponding Officer's Report.
- 47 INFORMATIVE: This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0345 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.
- 48 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.
- 49 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.
- 50 INFORMATIVE: The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the 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 any works commenced prior to the S38 agreement being in place are undertaken at their own risk.

Temporary directional signs to housing developments (Major apps only 10 units +)

The applicant is advised that they must apply and obtain approval from West Sussex County Council as Highway Authority for all temporary directional signs to housing developments that are to be located on the highway. Further details of the process and how to apply are available here: <https://www.westsussex.gov.uk/roads-and-travel/information-for-developers/temporarydevelopment-signs/#overview>

- 51 INFORMATIVE:Section 59 of the 1980 Highways Act - Extra-ordinary Traffic
The applicant is advised to enter into a Section 59 Agreement under the 1980 Highways Act, to cover the increase in extraordinary traffic that would result from construction vehicles and to enable the recovery of costs of any potential damage that may result to the public highway as a direct consequence of the construction traffic. The Applicant is advised to contact the Highway Officer (01243 642105) in order to commence this process.
- 52 INFORMATIVE:Works within the Highway - Implementation Team
The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
- 53 INFORMATIVE: Provision of Adoptable Highway
The applicant is required to enter into a legal agreement with West Sussex County Council, as Highway Authority, should they wish to offer any internal roads for adoption or other

infrastructure being offered to the Highway Authority under S38 of the Highways Act 1980. The applicant should contact the Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that any works commenced prior to the S38 agreement being in place are undertaken at their own risk.

54 **INFORMATIVE: Temporary Works Required During Construction**

The applicant is advised of the requirement to enter into early discussions with and obtain the necessary licenses from the Highway Authority to cover any temporary construction related works that will obstruct or affect the normal operation of the public highway prior to any works commencing. These temporary works may include, the placing of skips or other materials within the highway, the temporary closure of on-street parking bays, the imposition of temporary parking restrictions requiring a Temporary Traffic Regulation Order, the erection of hoarding or scaffolding within the limits of the highway, the provision of cranes over-sailing the highway.

55 **INFORMATIVE: Temporary Developer Signage**

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. Temporary directional signs to housing developments (Major apps only 10 units +) The applicant is advised that they must apply and obtain approval from West Sussex County Council as Highway Authority for all temporary directional signs to housing developments that are to be located on the highway. Further details of the process and how to apply are available here <https://www.westsussex.gov.uk/roads-and-travel/information-for-developers/temporarydevelopment-signs/#overview>

56 **INFORMATIVE: Structures Check**

The applicant is advised that the proposed structures are, at an appropriate time, required to be subject to the Technical Approval process as specified within BD 2/12 of the Design Manual for Roads and Bridges. The applicant should contact the WSCC Structures team to commence this process when ready. The applicant should note that the failure to obtain TA may prevent the future adoption of the structure as public highway or incur additional works to bring the works up to a suitable standard.

57 **INFORMATIVE: Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The infiltration tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method. All design storms must include a climate change allowance of 40% on stored volumes or rainfall intensity. Infiltration structures must cater for the critical 1 in 10 year storm event, (plus 40%) between the invert of the entry pipe to the soakaway and the base of the structure. The design must also have provision to ensure there is capacity in the system to contain the critical 1 in 100 year storm event (plus 40%).**

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 groundwater table in support of the design. The applicant is advised to discuss the extend of ground water monitoring with the council's engineers.

Supplementary guidance notes regarding surface water drainage are located at <https://www.arun.gov.uk/drainage-planning-consultations> on Arun District Council's website. A surface water drainage checklist is available on Arun District Council's website, this should be submitted with a Discharge of Conditions Application.

58 **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.

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

60 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.

61 INFORMATIVE: The owner(s) of any commercial property (warehouses, offices, etc.) built before 2000 are legally obliged to hold a copy of an asbestos register for each property in their portfolio. As the proposed development is being renovated to residential, the Council need to be satisfied that if any asbestos previously identified is still present, it is either removed or suitably managed to minimise risk to human health as there is no safe threshold for asbestos exposure. A copy of the asbestos register, and any remedial strategy (where appropriate), must be provided in writing to the Local Planning Authority prior to any works commencing.

Reason: To protect the amenity of local residents in accordance with Policy QE DM4 of the Adoption Arun Local Plan 2011 - 2031.

62 INFORMATIVE: Environmental Permit
If in the course of development, you intend to connect the new Attenuation Basin to the Main River, develop new outfalls or work on a new bridge, a Flood Risk Activity Permit may be required.

The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activitiesenvironmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environmentagency.gov.uk. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.