

Report following a request for further information, negotiations or consultation

REF NO: AL/20/21/PL

LOCATION: Land At Wings Nursery
Lidsey Road
Woodgate

PROPOSAL: Demolition of Wings House & erection of 71 No. replacement dwellings (70 net new dwellings), access arrangements, sustainable drainage measures, public open space, landscaping & all other associated works (resubmission following AL/46/20/PL). This application is a Departure from the Development Plan.

Members resolved on 08/09/21 to delegate the final approval of this application to the Group Head of Planning with authority to make minor amendments to the s106.

At that meeting, members were advised that National Highways (formerly Highways England) had not responded to the request for them to advise on the project that their contribution would be spent on, and so this contribution was removed from the s106. Members should note that National Highways were asked to confirm the project details on four separate occasions (on 07/07/21, 16/07/21, 06/08/21 and 01/09/21) without success.

Subsequently on the 24th December 2021, National Highways (NH) wrote to Arun DC to apologise for not previously responding, but to advise that as the contribution was not now being sought, their previous comments must be treated as an objection and the decision to approve without the contribution must therefore be referred to the Secretary of State before being issued.

NH also state that the "Arun Local Plan A27 mitigation project" is the identified scheme. This contribution is required because of the changes or improvements to the Arun Local Plan A27 mitigation scheme that would be required in order to accommodate the additional cumulative traffic impacts of development that is additional to the Local Plan development.

Officers accept this position and have discussed this with the applicant who has agreed to put the National Highways contribution back into the s106. However, this cannot be done under delegated powers and so requires the further approval of the planning committee. Members are therefore requested to agree the inclusion within the s106 of a contribution of £36,090.60 to be spent on the "Arun Local Plan A27 mitigation project".

The s106 is nearing completion and the applicant has requested that we proceed to include the National Highways contribution within the document and progress the s106 towards completion. Therefore, it may be complete by the time of February Committee (members will be advised by an update if this is so).

Separately, members are also requested to agree a variation to condition 5 of the previous recommendation. This condition states:

No demolition/construction activities shall take place other than from 08:00 hours until 18:00 hours (Monday to Friday) and from 08:00 hours until 13:00 hours (Saturday) with no noisy work (defined as not involving any machinery/plant) on Sunday or Bank/Public Holidays. In addition, there shall be no external working an hour before, during and an hour after sunset and sunrise even if those times fall within the above time periods.

The applicant has requested that it be amended to allow working when bats are not active and so by adding "between March and October (when bats are generally active)" after "sunrise" and before "even" to read as follows:

No demolition/construction activities shall take place other than from 08:00 hours until 18:00 hours (Monday to Friday) and from 08:00 hours until 13:00 hours (Saturday) with no noisy work (defined as not involving any machinery/plant) on Sunday or Bank/Public Holidays. In addition, there shall be no external working an hour before, during and an hour after sunset and sunrise between March and October (when bats are generally active) even if those times fall within the above time periods.

As the condition was specifically set out in full within the previously agreed Appropriate Assessment, it is not appropriate to simply change it in the recommendation. Therefore, Natural England have been requested to agree the change and have been given until the 31st of January to respond. Members will be updated at the meeting as to whether Natural England have responded and what their advice is.

It is therefore requested that members resolve to (a) agree the inclusion of the National Highways contribution within the s106 and (b) to agree the change to the wording of condition 5.

REPORT UPDATE

Application No: AL/20/21/PL

Reason for the Update / Changes

Reason for Update/Changes:

Natural England have responded in respect of the applicants request to amend the hours of working condition: "Natural England advise that the current condition is sufficiently precautionary to take into account recent mild winters and associated continued bat activity. Furthermore, any changes will need to be accompanied by an updated Habitats Regulations Assessment."

On this basis the applicants change to condition 5 cannot be agreed at this time and this request is withdrawn from the recommendation. Instead they would need to apply subsequently for a variation of the condition in order to allow for a new appropriate assessment to take place.

The s106 has not yet been signed and the revised draft is currently with the applicants solicitor and with WSCC.

Officers Comment:

It is therefore requested that members resolve solely to agree the inclusion within the s106 of the National Highways contribution and delegate the final decision to the Group Head of Planning with authority to make minor amendments to the s106.

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/20/21/PL

LOCATION: Land At Wings Nursery
Lidsey Road
Woodgate
PO20 3SU

PROPOSAL: Demolition of Wings House & erection of 71 No. replacement dwellings (70 net new dwellings), access arrangements, sustainable drainage measures, public open space, landscaping & all other associated works (resubmission following AL/46/20/PL). This application is a Departure from the Development Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

71 dwellings consisting of 4 x 1 bed, 34 x 2 bed & 33 x 3 bed. The four 1 beds are flats in a two storey building. The affordable provision is 22 homes consisting of 10 x 3 bed & 12 x 2 bed. "Wings House" will be demolished therefore the net

gain in dwellings is 70.

It is proposed to close the southern access point and formalise the existing northern access and existing north-eastern field access. The main access will be 6m wide with 8m corner radii. It will have pedestrian footways either side and a crossing facility over the bellmouth. The secondary access will take the form of a 6m wide crossover with a shared surface arrangement. It is proposed to provide a right turn lane on the A29. The widening of the primary access requires the relocation of the northbound bus stop. The internal road layout comprises a 6m wide main access with 5.5m wide estate roads. The internal layout includes either pedestrian footway on one side or shared surface arrangements.

A number of off-site transport improvements are proposed. The red edge has been enlarged to include these and thus enable them to be secured through a s106 legal agreement. These comprise of new uncontrolled pedestrian crossing points on Lidsey Road, widening of existing footway and new footway on the A29, bus stop improvements (new shelters, hardstanding & seating) and cycle parking spaces near the convenience store. Access visibility requirements result in the loss of some small trees along the frontage but none of the TPO protected trees are affected. The layout also ensures that new footpaths and roads are outside of the root protection areas of important trees.

Car parking is in the form of 142 allocated spaces (no garages or car ports) and 15 unallocated visitor spaces. Cycle parking is on the basis of 1 space per 1 bed flat/2 bed house and 2 per 3 bed house - a total of 104 spaces. Individual plot cycle stores are not shown on the layout and there are no elevations so this will be subject to a condition. A communal cycle/bin store for the flats is shown on the layout and on an elevational drawing also providing detail of the proposed substation. These are both timber structures with the cycle/bin store also having a roof.

The layout shows the provision of 5,857m² of Public Open Space (POS) and in this area is 925m² of play provision. Conditions will be required to secure the specific details of the play provision and management regime.

Landscaping drawings indicate areas of new landscaping including new hedges, grass & shrub planting and around 56 new trees. The layout includes wildlife buffer areas to the south and west boundaries. Hard landscaping is indicated to be a mix of tarmac, concrete block paving (3 types), concrete paving slabs and permeable self-binding gravel. New boundary treatments are not indicated on the plans therefore a condition will be required.

The houses will be a mix of types but predominantly semi-detached or terraced and all either 1.5 (plots 1, 2 & 63) or 2 storey. Only one dwelling is detached (plot 63) whilst the four flats are plots 23-27. Materials are indicated to be a mix of brick, flint and hanging tile and concrete roof tiles. Chimneys are shown to some of the dwellings within the scheme.

The energy statement states the development will achieve a 10.1% reduction in carbon dioxide emissions through a mix of highly efficient materials, ventilation & heating systems, passive solar gains, an air-tight build and solar photovoltaic panels installed on dwellings with optimal, south-facing roof-spaces.

SITE AREA	2.54 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	27.9 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	There are several trees on the east and west site boundaries and in the site. It is proposed to fell 22 trees including 10 category B trees. The 9 Pedunculate Oak trees protected by TPO/1/18 are shown to be retained. Two sections of hedgerow forming part of the boundaries of the existing dwelling will need to be removed.
BOUNDARY TREATMENT	Various - including 1m high post and rail fencing to the front and mix of 1.4m post & wire, hedging & trees of various heights to the other boundaries. Mix of hedging and 1.8m high fencing around the existing dwelling.
SITE CHARACTERISTICS	Former garden nursery and existing two storey dwelling with enclosed curtilage. The land surrounding this is a mix of semi-improved grassland, amenity grassland and scrub vegetation. Drainage ditches to all site boundaries. The site is served by two vehicular accesses adjoining the A29 Lidsey Road. These take the form of gated crossovers measuring 3.8m in width. An additional field access is located at the north-east corner of the site.
CHARACTER OF LOCALITY	The character is considered to be semi-rural. Opposite to the east is a row of houses extending the length of the site's frontage. These are predominantly single storey and semi-detached. To the south, there are two further detached houses (Stockhearn and Stockhearn House) with more extending south along Lidsey Road. Stockhearn house is two storeys whilst Stockhearn is a bungalow. Both have rear elevations facing the site. To the north is an access driveway into the land to the west with a small paddock and the Prince of Wales public house beyond. To the west are glasshouses associated with horticultural use.

RELEVANT SITE HISTORY

AL/46/20/PL	Demolition of Wings House & the erection of 81 No. replacement dwellings (80 net new dwellings), access arrangements, sustainable drainage measures, public open space, landscaping & all other associated works. This application is a Departure from the Development Plan.	Withdrawn 02-09-20
AL/32/19/OUT	Outline application with some matters reserved for the erection of 55 No. dwellings, access arrangements, sustainable drainage measures, public open space, landscaping & all other associated works (resubmission following AL/115/17/OUT). This application is a Departure from the Development Plan.	App Cond with S106 03-10-19

AL/32/19/OUT was approved by development Control Committee in June 2019. The site was then acquired by Southern Home Ownership Ltd and a full application was received in June 2020 seeking permission for 81 homes (80 net). This was withdrawn in September 2020 due to the Council having concerns with the amount of development. The Council stated that a lesser number of houses would ensure relevant standards are met and prevent harm to adjoining neighbours.

REPRESENTATIONS

Aldingbourne Parish Council:- no objection but wish to be notified if there is clear conflict with any issues arising.

Three letters of objection raising the following concerns:

- Loss of a perfectly good dwelling.
- Increased traffic.
- Loss of open space.
- Impact on foul/surface water drainage.
- No connectivity to cycle routes.
- Need provision for electric bike charging stands.
- Need 2 x cycle vouchers per house.

One letter of support has been received from the Aldingbourne, Barnham and Eastergate Community Land Trust (ABECLT) stating that the Trust has been working with the applicant on the nominations agreement, meaning that these affordable homes would be allocated to local people.

COMMENTS ON REPRESENTATIONS RECEIVED:

Aldingbourne Parish Council were notified on 26/05/21 of layout changes but have not responded with any further comments.

The loss of the dwelling is noted but it does not have any value on its own and its loss will facilitate a net gain in dwellings. The site is presently open but it is private and not designated as open space. Traffic, drainage and transport sustainability is considered elsewhere in this report.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

HIGHWAYS ENGLAND - Request £36,090.60 towards further mitigation of A27 junctions in Arun. They have confirmed that this is calculated on the net number of new dwellings.

NATURAL ENGLAND - Given the location of the site in 12km of the Singleton & Cocking Tunnels SAC and following the applicants submission of a document "Information to Inform a Habitat Regulations Assessment (April 2021)", an Appropriate Assessment was prepared and issued to Natural England for review.

They responded on 20/07/21 to state that without appropriate mitigation, the application would have an adverse effect on the integrity of Singleton and Cocking Tunnels Special Area of Conservation (SAC) and damage or destroy the interest features for which Singleton and Cocking Tunnels Site of Special Scientific Interest (SSSI) has been notified. They stated that to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required by condition:

- Measures to avoid work taking place an hour before, during and an hour after sunset and sunrise.
- Measures to ensure that lights will not impact areas used by bats.
- The protection of valuable habitat features through the implementation of secure buffers.

SOUTHERN WATER - No objection subject to a condition to ensure occupation of the site is phased to ensure network reinforcement is delivered before the whole site is occupied. Request a standard foul sewage condition. A foul sewer runs along the eastern and part southern boundaries and this needs protecting.

SOUTH DOWNS NATIONAL PARK - No objection. It is unlikely there will be any significant visual relationship between the site and the National Park and so no harm to the Park. Request a condition to control lighting and ask that the landscaping scheme includes native species and demonstrates biodiversity net gain.

SUSSEX POLICE - No objection. Set out a list of required security measures as detailed in their response on the Councils website dated 18/02/21.

WSCC HIGHWAYS - No objection subject to conditions and off-site highway improvements to be secured by a s106. The full response is available online dated 24/06/21.

WSCC FIRE & RESCUE - No objection subject to fire hydrant conditions.

WSCC LEAD LOCAL FLOOD AUTHORITY - No objection with the following comments:

- Current surface water mapping shows the site is at low risk from surface water flooding;
- Any existing surface water flow paths across the site should be maintained and mitigation measures proposed for areas at high risk;
- The area of the development is at high risk from groundwater flooding based on current mapping but this does not mean that the site will suffer groundwater flooding;
- Current Ordnance Survey mapping shows ordinary watercourses on or directly adjacent to the site;
- Local or field boundary ditches, not shown on Ordnance Survey mapping, may exist around or across the site; and

- No records of surface flooding in the confines of the site but are aware of flooding at the junction of Oak Tree Lane and Lidsey Road.

ADC DRAINAGE ENGINEER - a number of points have been resolved since the first drainage response but there is conflict between the drainage proposals and landscaping. There is a tree proposed over the attenuation tank, and several trees are immediately next to/in the attenuation basin. Request a revised landscaping strategy showing all proposed trees clear of drainage features. Drainage features should not be proposed in root potential areas. As long as landscaping plans are not included in the list of approved plans (and a landscaping condition imposed) this can be approved subject to standard conditions.

ADC LANDSCAPE OFFICER - No objection subject to conditions to secure a landscape scheme and on-site play/open space. Comment that:

- There are no physical, visual, historical or cultural links, protected landscapes, scheduled ancient monuments, listed buildings, conservation area or Historic Parks or Gardens associated with this site;
- The layout has dwellings facing onto POS areas in line with good design principles;
- A development of this size requires the provision of on-site POS (minimum area of 4,998m²) and provision of on-site play (859m²) comprising of unequipped natural play (LAP) and on-site equipped play (LEAP);
- The Landscape Masterplan 01 D shows an improved POS offer with green connection across the site;
- Offsite financial contributions would be sought via CIL towards allotments, playing pitches and ancillary/built facilities, swimming pools, arts and sports hall contributions;
- It is good to see the green buffer shown to the boundaries would go some way to accommodate existing trees and allow for their retention;

ADC TREE OFFICER - Following revisions to the scheme, the Tree Officer has stated that he is satisfied that the scheme is now at a place where he can recommend conditions in respect of Tree Protection Measures, should we be minded to approve the application.

ADC HOUSING STRATEGY & ENABLING MANAGER - Requires 22 affordable dwellings with a 70/30 rented/intermediate mix.

ADC ENVIRONMENTAL HEALTH - No objection subject to conditions re contaminated land, electric vehicle charging, external lighting, construction management, construction hours, internal & external noise levels due to road/rail and noise associated with substation/pumping station. Also request that air quality is considered.

COUNCIL'S ARCHAEOLOGIST - Requests a standard archaeology condition. The site lies on a part of the West Sussex coastal plain that modern archaeology has demonstrated to have been relatively densely settled since late prehistory, and where the potential of a site to contain archaeological interest is likely to be proportionate to its size. It lies near the centre of a narrow north-south strip of land, defined by the Aldingbourne Rife to the west and a similar semi-natural stream to the east, that formed a peninsula with the 'island' of Lidsey at its southern point. Following receipt of a Scheme of Investigation, advise the condition still needs to be imposed.

COUNCIL'S ECOLOGIST - No objection subject to conditions:

- A Natural England bat licence will be required due to the loss of occasional roosts concerning Wings House and the linked garage that are to be demolished;
- A condition is required to enforce the mitigation set out in the preliminary bat roost assessment;
- A condition on lighting will be required to ensure that this is bat sensitive;

- A buffer is required around the site to minimise harm to barbastrelle bats;
- Request an updated reptile survey;
- Require a precautionary approach in respect of Great Crested Newts; and
- Buildings/trees should only be removed outside bird breeding season unless first checked by an ecologist.

COMMENTS ON CONSULTATION RESPONSES:

All comments noted unless discussed below:

HIGHWAYS ENGLAND - Highways England have been requested to confirm a specific named project for the s106 contribution as it is not appropriate to simply state it will be spent on A27 mitigations. They were given until the Committee on 08/09/21 to confirm the specific project or the contribution would be removed from the draft s106 however they did not respond to this request.

NATURAL ENGLAND - The applicant provided a written response to the comments received and Arun has revised the Appropriate Assessment accordingly. The proposed conditions have also been amended to take account of Natural England's comments and included within the Appropriate Assessment. This was submitted to Natural England on 13/08/21 for their further advice. Natural England responded on 31/08/21 to advise that they concur with the conclusions of the revised Appropriate Assessment and so raise no objection to permission being granted provided that all mitigation measures are appropriately secured in any planning permission given. These measures are secured by conditions 4, 5, 6, 14, 19 & 27.

ADC DRAINAGE ENGINEER - The applicant provided revised landscape drawings to address the comments (i.e. by relocating trees). Engineers reviewed these and advise changes are still required to landscape drawings as trees are still shown close to the attenuation basin/tank and there is no information on root potential. Trees could damage impermeable liners of these features. Landscape and drainage drawings should not be referenced as approved plans and conditions are still required.

COUNCILS ECOLOGIST - The applicant provided an updated reptile survey. The Councils ecologist has not responded to the re-consultation. A condition will be imposed to require the development proceed in accordance mitigation measures identified. The layout includes two wildlife buffer areas.

POLICY CONTEXT

Designations applicable to site:

Within the Built-Up Area Boundary (as per the Neighbourhood Plan);
 Countryside (as per the Arun Local Plan);
 CIL Zone 3;
 Current & Future Flood Zone 1;
 Lidsey Treatment Catchment Area;
 TPO/AL/1/18;
 Archaeological Notification Area;
 Area of Special Control of Adverts; and
 Within 12km of the Singleton & Cocking Tunnels Special Area of Conservation.

DEVELOPMENT PLAN POLICIES

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

AHSP2	AH SP2 Affordable Housing
CSP1	C SP1 Countryside

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM1	ENV DM1 Designated Sites of Biodiversity or geographical imp
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
ENVSP1	ENV SP1 Natural Environment
HDM1	H DM1 Housing mix
HORDM1	HOR DM1 Horticulture
HWBSP1	HWB SP1 Health and Wellbeing
INFSP1	INF SP1 Infrastructure provision and implementation
LANDM1	LAN DM1 Protection of landscape character
OSRDM1	Protection of open space,outdoor sport,comm& rec facilities
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QEDM3	QE DM3 Air Pollution
QEDM4	QE DM4 Contaminated Land
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
SODM1	SO DM1 Soils
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management
WSP1	W SP1 Water

[Aldingbourne Neighbourhood Plan 2019-31 Policy EH1](#) Built up area boundary

Aldingbourne Neighbourhood Plan 2019-31 Policy EH3 Development of agricultural land

Aldingbourne Neighbourhood Plan 2019-31 Policy EH5 Surface water management

Aldingbourne Neighbourhood Plan 2019-31 Policy EH6 Protection of trees and hedgerows

Aldingbourne Neighbourhood Plan 2019-31 Policy H1 2019 Provide Housing to meet District Council allocation

Aldingbourne Neighbourhood Plan 2019-31 Policy H2 Housing Mix

Aldingbourne Neighbourhood Plan 2019-31 Policy H3	Housing Density
Aldingbourne Neighbourhood Plan 2019-31 Policy H4	Affordable Housing
Aldingbourne Neighbourhood Plan 2019-31 Policy H8	Outdoor space
Aldingbourne Neighbourhood Plan 2019-31 Policy H9	Attention to detail
Aldingbourne Neighbourhood Plan 2019-31 Policy EE8	Communications infrastructure
Aldingbourne Neighbourhood Plan 2019-31 Policy EH10	'Unlit Village' status
Aldingbourne Neighbourhood Plan 2019-31 Policy EH2 2019	Protection of bat habitation
Aldingbourne Neighbourhood Plan 2019-31 Policy GA1	Promoting sustainable movement
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
SPD12	Open Space, Playing Pitches & Indoor & Built Sports Facilities
SPD13	Arun District Design Guide (SPD) January 2021

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan and Made Neighbourhood Development Plans. The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The revised Aldingbourne Neighbourhood Development Plan was made on 14/07/21 and its policies are referred to in this report.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

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

(aza) a post-examination draft neighbourhood development plan, so far as material to the application, (b) any local finance considerations, so far as material to the application, and (c) any other material considerations.

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 complies with the development plan in that the site is within the built-up area boundary of the Neighbourhood Plan and this takes precedence over the built-up area boundary set by the older Arun Local Plan. In addition, the proposal would not cause demonstrable harm to the character of the area, to the amenity of neighbouring residents, to local biodiversity or result in a severe impact on the local highway.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states applications should be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan comprises the Arun Local Plan 2011-2031 (ALP), the Aldingbourne Neighbourhood Development Plan (ANDP), the South Inshore & South Offshore Marine Plan and the West Sussex Waste and Minerals Plans.

Section 38(5) of the Planning and Compulsory Purchase Act 2004 states: "If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document".

Some of the policies most important for the determination in the ALP have reduced weight as Arun cannot demonstrate an adequate supply of housing land (3.3 years). The revised ANDP has recently been made (14/07/21) and so has greater weight.

Paragraph 14 of the NPPF states that in situations where the 'presumption in favour of sustainable development' applies to applications involving the provision of housing, then the adverse impact of allowing development that conflicts with the neighbourhood plan will not significantly and demonstrably outweigh the benefits if four specific criteria apply. In this case, all four are applicable and therefore the NPPF confirms that the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits. However, in this case, there is no conflict with the neighbourhood plan.

The Arun Local Plan:

Policy H SP1 sets out an overall provision of 20,000 new homes through the Local Plan phased over the plan period to 2031. It includes reference to additional non-strategic allocations being made across the District through reviews of Neighbourhood Plans and in cases where there is no up-to-date

Neighbourhood Plan, through the publication of a "Non-Strategic Site Allocations Development Plan Document". It is no longer planned to prepare such a document and instead the Local Plan will be subject to a formal review. However, the new ANDP includes housing allocations totalling 48 new homes.

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

The site is semi-rural but in a sustainable location as it lies on the southern edge of Aldingbourne and it will be possible for residents to use non-car means of transport to access schools, pubs, shops and other services. Pedestrians have the benefit of street lit pavement in the immediate vicinity of the site. The applicant provided a diagram in their Design & Access Statement which demonstrates the proximity to local facilities and services. These include bus stops outside the site, a convenience store within 300m, a medical centre in Eastergate (1.2 miles) and Aldingbourne primary school 500m to the north.

Whilst the private car could be required for longer distances, residents would not need to rely on a car for local journeys. The proposal includes a Travel Plan which proposes each dwelling is provided with a Travel Information Pack and a £150 cycle voucher. There is potential in the future for bus/rail season ticket discounts, a car club, vouchers for grocery store deliveries and creation of a bicycle user group.

Policy C SP1 states residential development in the countryside outside the Built-Up Area Boundary (BUAB) will not be permitted unless in accordance with policies in the Plan which refer to a specific use or type of development. None of these relate to the proposal. As this site lies outside the nearest BUAB it is categorised as being in the countryside and the scheme conflicts with policy C SP1.

Aldingbourne Neighbourhood Development Plan (ANDP):

The new ANDP was made on 14/07/21 and shows the site as being within the BUAB. Policy EH1 allows for development in the BUAB subject to meeting other policies of the plan. Policy H1 2019 states provision is made for 38 new homes on land at Lees Yard (opposite the Wings site). It goes on to say that along with the 55 permitted by the previous outline decision at Wings (AL/32/19/OUT) and 25 at Nyton Nursery, the Parish have exceeded its allocation by 48 units (an increase of 67%). The proposal would be in accordance with EH1 and with H1 2019. The uplift in units at Wings mean the Parish will exceed their allocation by an additional 15 net dwellings.

Conclusion on Matters of Principle:

The principle of development on this site is contrary to the ALP but at the same time in accordance with the made ANDP. Section 38(5) of the Planning and Compulsory Purchase Act 2004 states where there is conflict between parts of the development then this should be resolved in favour of the more recent Plan. In this case conflict with the ALP is outweighed by the BUAB in the new ANDP and the proposal is therefore in accordance with the development plan.

The National Planning Policy Framework (NPPF) is an important material consideration in determining planning applications. Paragraph 11(c) of the NPPF sets out that applications that accord with an up-to-date development plan (in this case the ANDP) should be approved without delay.

AGRICULTURAL LAND:

ALP policy SO DM1 states unless land is allocated, then the use of Grades 1, 2 and 3a of the Agricultural Land Classification for any form of development not associated with agriculture, horticulture or forestry will not be permitted unless the need for the development outweighs the need to protect such land in the

long term. ANDP policy EH3 is relevant and states development proposals affecting best and most versatile agricultural land will be resisted unless it can be demonstrated it supports diversification of an agricultural enterprise or other land-based rural business; or the need for the development clearly outweighs the harm.

The previous officer report stated "the development would lead to the loss of high grade agricultural land but the need for housing development in the district outweighs the policy restriction and the proposal complies with the ANDP policy EH3 and with policy SO DM1 of the ALP".

An Agricultural Land Assessment has now been provided. This concludes that although the development results in the loss of 2.4ha of previously farmed land, the results show the soils have limited nutrient availability, have a clay subsoil composition and there are contaminants present (toxic polycyclic hydrocarbon Benzo-a-Pyrene & arsenic containing material). These factors mean the land cannot be graded above level 5 and would only be suitable for grazing.

On this basis, there is no conflict with either of the policies and it is not necessary to consider criteria a to g of SO DM1. Notwithstanding, the applicant provides a Soil Resource Plan which details measures to protect and recycle top soils for use in the green areas of the development.

ARCHAEOLOGY:

The site is in a designated archaeological notification area. ALP Policy HER DM6 states where a site on which development is proposed has the potential to include heritage assets with archaeological interest, permission will only be granted where it can be demonstrated that development will not be harmful to the archaeological interest of these sites. The policy requires a desk based archaeological assessment be submitted. This is echoed by guidance in the NPPF (para 194).

The applicant provided a Written Scheme of Investigation for an Archaeological Evaluation. This has been considered by the Council Archaeologist who advises it is an acceptable submission but that a condition is required to ensure the on-site investigation takes place. On this basis there is no conflict with ALP policy HER DM6.

LANDSCAPE & TREES:

ALP policy D DM1 states development is expected to incorporate existing and new tree planting as an integral part of proposals. Policy LAN DM1 requires development respects the characteristics & natural features of the relevant landscape character areas and aim to reinforce or repair the character of those areas. Policy D SP1 requires development proposals reflect the characteristics of the site and local area in their landscaping.

ALP policy ENV DM4 requires that TPO protected trees, Ancient Woodland, those in a Conservation Area or trees that contribute to local amenity are not damaged or felled unless the developments meets the following criteria:

- a. tree loss is in the interests of good arboricultural practice;
- b. tree loss would enhance the survival & growth prospects of other protected trees;
- c. the benefits outweigh the loss of trees or woodland, especially ancient woodland.

ANDP policy EH6 states the loss of trees contributing to amenity can be sanctioned where benefits outweigh the loss.

The site is some distance from the South Downs National Park and the Park Authority do not consider

there will be any impact on its landscape or visual amenity. The Councils Landscape Officer raises no objections in respect of landscape impact. It is stated that the green buffers to the boundaries would accommodate existing trees and allow for their retention. These will help soften the appearance of the development in the landscape.

The proposal results in the loss of 22 trees and two sections of conifer hedge (43m & 55m) around the house. The scheme indicates areas of landscaping including new hedges, grass & shrub planting and around 56 new trees. The indicative landscape drawings indicate the majority of these trees will be in locations where they have room to grow. The full detail of the trees (and new hedges) would be secured by the landscaping condition and will be assessed at condition discharge stage. The standard condition wording has been amended to require new tree planting on a ratio of 2 for every 1 lost.

In the main, trees to be felled are required for access reasons and this is compliant with policies ENV DM4 and EH6 in that the benefits of 70 new houses outweigh the harm, particularly given the extensive tree planting proposed. Two of the trees on the frontage were surveyed to be either poor or in decline and their loss is acceptable solely on that basis. The applicant has also amended the layout to relocate or remove sections of pedestrian path that were within the presently unsurfaced root protection areas of the important trees.

Due to the orientation of the site and layout, most existing off-site/retained trees on the west boundary are to the side of the dwellings meaning whilst they will shade gardens, this will only occur during the late afternoon. The exceptions are plots 22-23 and the flats at 24-25 which have gardens backing onto this boundary with T19 adjacent. This tree only partially overhangs the garden and will only affect light from the west not from the south.

The applicant has also provided written assurance that no root protection area incursion will occur during works to install/enhance surface water drainage features or foul water apparatus in relation to the retained TPO trees. The only exceptions to this are in respect of the site ditch diversions that have already been agreed with ADC through the Ordinary Water Consent which was given in May 2021 (and represent improvements on existing incursions into the root protection areas).

The Council Tree Officer has withdrawn the previous objection and now recommends conditions. The proposal accords with ALP policies D DM1, LAN DM1, D SP1, ENV DM4 and with ANDP policy EH6.

BIODIVERSITY:

ALP policy ENV DM5 states development schemes shall seek to achieve a net gain in biodiversity and protect habitats on site. They shall incorporate elements of biodiversity including green walls, roofs, bat and bird boxes as well as landscape features minimising adverse impacts on existing habitat. Paragraph 180 of the NPPF is relevant and states that if significant harm to biodiversity cannot be avoided, adequately mitigated, or, as a last resort, compensated for, permission should be refused.

The site is in the 12km buffer zone for the Singleton and Cocking Tunnels Special Area of Conservation. Policy SD10 of the South Downs National Park Local Plan states development proposals on greenfield sites or in close proximity to woodlands and hedgerows should ensure key features (foraging habitat and commuting routes) are retained.

ANDP Policy EH12 2019 states proposals for the development of greenfield sites must evaluate whether there is a potential for the loss of suitable foraging habitat and/or the severance of commuting flight lines, such as in the form of mature treelines, hedgerows and watercourses. Such features should be preserved unless surveys demonstrate they are not used by Barbastelle, Bechstein or other bats. Care should be taken in respect of lighting schemes. ANDP policy EH6 requires developments retain

hedgerows, incorporate biodiversity in layouts and demonstrate biodiversity net gain.

The application is accompanied by an Ecology Assessment, Bat Survey Report, Reptile Survey, Great Crested Newt Habitat Suitability Index & eDNA Test Report and a document entitled "Information to Inform an Habitat Regulations Assessment". These note the presence of occasional pipistrelle bat roosts in on-site buildings, a low population of common lizard and a good population of slow worms. There was no evidence of great crested newts on site and it is stated that given the distance to the nearest known population and dispersal barriers surrounding the site, they are considered to be absent.

All the documents include various mitigation (including a precautionary approach to clearing the land to protect reptiles/newts) and enhancement measures. The Councils ecologist raises no objections to the proposals and recommends conditions. The South Downs National Park Authority raise no ecology objections subject to new native landscaping and controls on lighting. Conditions are proposed to secure these items.

The Council has prepared a revised Appropriate Assessment as per the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended). This determines that the proposal will not result in any significant adverse effects upon the Singleton and Cocking Tunnels SAC or the bat species associated with the site and functionally linked habitats. Natural England have been asked to agree this document and their comments will be reported at the meeting. The retention of existing boundary planting and the buffer areas adjacent to these ensures compliance with South Downs policy SD10 and ANDP policy EH12 2019.

The proposal results in the loss of 22 trees and sections of hedge around the existing dwelling however, the scheme indicates new landscaping including hedges and around 56 new trees. This achieves a net gain in biodiversity on its own. The permission secures other biodiversity enhancement measures through conditions securing enhancements set out in the supporting documents.

The proposal complies with ALP policy ENV DM5, ANDP policies EH2 2019 & EH6 and South Downs policy SD10 and the NPPF para 180.

TRAFFIC, ROAD SAFETY & PARKING:

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

T SP1 states proposals must incorporate appropriate levels of parking taking into consideration the impact of development on on-street parking. Policy T DM1 requires new development be located in easy access of established non-car transport modes/routes, contribute to the improvement of such routes & facilities and contribute towards provision of a joined-up cycle network and Public Rights of Way network.

ANDP policy GA1 requests development improve walking/cycling routes and they are located in places accessible by public transport. Policy GA2 states support will be given to proposals that improve walking & cycling routes. Policy GA3 requires parking be provided to meet the current standards.

Para 110 of the NPPF states: "In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: (b) safe and suitable access to the site can be achieved for all users". Regard should be had to para 111 which states: "Development should

only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

The advice of WSCC Highways is summarised above. They are satisfied the proposal will not result in an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network. The proposal is not contrary to the NPPF, and there are no transport grounds to resist the proposal. The application has been subject to a Road Safety Audit (RSA) which identified certain issues and have been considered by the Designer as follows:

- (a) Risk of head-on collisions with vehicles trying to pass stationary bus - tracking drawings demonstrate that this is not an issue;
- (b) Long length of right-hand turning lane and risk of overtaking by vehicles travelling in either direction leading to collisions - the extended turning lane is short and so doesn't significantly change the existing road layout. A pedestrian refuge (as a means to combat this) would be difficult to do given the number of adjacent accesses and junctions coming out to the road (which it would obstruct);
- (c) Overhanging trees/risk of facial injuries to pedestrians - trees will be pruned to stop this happening;
- (d) Concerns over ditch and whether users might fall in - this will be discussed with WSCC safety team;
- (e) Concerns over location of gullies in main access possibly coinciding with pedestrian desire line - The gullies have now been moved;
- (f) Provision of temporary signs to warn drivers of road changes - temporary signs have been shown;

WSCC Highways stated all RSA matters have been agreed between the Highway Authority and the Design Organisation through a related s278 process which has run concurrently with this application for exactly the same highway works as proposed in the planning application.

Access proposals are largely the same as the approved outline which showed two access points in approximately the same positions. The only differences are the lower number of dwellings associated with that scheme and that Wings House and its existing access were shown as being retained.

As with the previous scheme, the proposal seeks to deliver on and off-site transport improvements. These are listed in full in the s106 section at the end of this report but in short, comprise uncontrolled pedestrian crossing points on Lidsey Road, widening of the footway and new footway on the A29, bus stop improvements (new shelters, hardstanding & seating) and cycle parking spaces near the convenience store. A Travel Plan will be secured ensuring each dwelling is provided with a Travel Information Pack and a £150 cycle voucher.

The scheme provides access to Lidsey Road. There is no scope for additional pedestrian/cycle accesses as other site boundaries are with private land and there are no defined public footpaths adjacent to or through the site. The improvements to footway along Lidsey Road mean that the proposal gains support from ANDP policies GA1 & GA2.

The Parking SPD requires a total of 142 allocated spaces and 14.2 visitor spaces (so a total of 156.2). The layout shows 142 allocated spaces/15 unallocated visitor spaces meeting the requirements. The level of cycle parking accords with the SPD and will be provided by storage sheds and a communal store for the 4 flats.

The proposal is compliant with development plan policies and guidance on highway safety in the NPPF.

HOUSING MIX:

ALP policy HDM1 requires all housing development should provide a mix of dwelling types/sizes to address the nature of local housing needs and market demand. The policy does not prescribe a specific

housing mix that must be met by individual applications, with the policy stating each must be considered on its own merits and on a site by site basis, having regard to the most up to date Strategic Housing Market Assessment (SHMA). ANDP policy H2 states proposals for housing must deliver a range of house types, sizes, tenures and demonstrate how the proposal will meet local needs.

The 2012 SHMA was the subject of an update by GL Hearn in 2016 ("Updated Housing Needs Evidence", September 2016) in which paragraph 6.3 stated the evidence highlighted a direction towards the provision of 2 and 3 bed units for market units and smaller affordable units. The 2016 update acknowledges at paragraph 6.10 that affordable (rented) need being more heavily skewed towards smaller dwellings and market housing predominantly homes with three or more bedrooms. Table 29 identifies a suggested broad mix of market housing by size for the District:

The proposed development comprises the following market housing mix:

- 4 x 1-bed dwellings (8%);
- 22 x 2-bed dwellings (45%);
- 23 x 3-bed dwellings (47%);

This is broadly compliant with the SHMA mix with the exception being the number of 3 beds are 7% greater than the policy mix. This is acceptable given there are no 4 bed dwellings. Separate ratios are given for affordable homes. This element of the mix has been agreed with the Councils Housing Strategy and Enabling Manager based on up-to-date need data. The proposal is compliant with ALP policy H DM1 and ANDP policy H2 in respect of the mix.

HOMES FOR OLDER PEOPLE:

ANDP Policy H2 states proposals where at least 25% of dwellings meet Lifetime Home Standards, or its equivalent, will be supported. Lifetime Home standards no longer exist and the equivalent current standard is contained in part M4(2) of the Building Regulations. To achieve this support, the proposal should provide at least 17 M4(2) homes.

Arun DC has an agreed internal policy on the provision of housing accommodation to provide for an ageing generation ("Accommodation for Older People and People with Disabilities", 2020). This is not adopted policy or a supplementary planning document but is considered to have some weight as a material planning consideration. It is supported by references in ALP policies D DM1 & D DM2. This requires at least 35 of the homes (50%) are designed to the M4(2) standard, and that 4 are designed to meet M4(3) i.e. be wheelchair accessible.

The layout shows 3 of the dwellings (bungalows at plots 1, 2 & 63) will be designed to meet part M4(2). There is no M4(3) provision. There is conflict with the ADC guidance but this is minor given the status of the document. Due to the way that ANDP policy H2 is worded, there is no conflict with it.

CHARACTER & DESIGN:

Policy D DM1 of the Arun Local Plan requires the Council seek to make the best possible use of land by reflecting or improving on the character of the site and the surrounding area. It is necessary that development demonstrates a high standard of architectural principles, use of building materials and hard and soft landscaping to reflect the local area. New housing should make efficient use of land while providing a mix of dwelling types and maintaining character & local distinctiveness. Higher densities will be more appropriate in the most accessible locations. The policy requires the scale of development keep within the general confines of the overall character of a locality. ALP policy D SP1 "Design" requires development to make efficient use of land and reflect local character.

ANDP policy H3 states the density should be appropriate to the location. Policy H8 requires the design of dwellings include things like cycle stores, meter boxes, bin stores, flues/ducts, gutters and communications connections. The drawings show cycle/bin storage in respect of the flats and do not show any of the other required features however these would all be required to make the houses useable and therefore there is certainty that the houses will have them. Conditions will be used to secure broadband connections, cycle stores and bin spaces.

The National Design Guide (NDG) is a material consideration in the determination of this application. It states that achieving a well-designed place comes about through making the right choices at all levels, including the layout (or masterplan), the form and scale of buildings, their appearance, landscape, materials and their detailing. It sets out ten characteristics of beautiful, enduring and successful places: Context, Identity, Built Form, Movement, Nature, Public Spaces, Uses, Homes & Buildings, Resources and Lifespan. The applicant provided a supplemental Design Statement which responds to these headings and concludes the scheme will blend harmoniously in the surrounding area providing high quality, well designed dwellings and spaces for the future residents.

The Arun Design Guide suggests a density of 15-25 for detached/semi-detached houses in village locations and states density should decrease with distance from the centre of a settlement, to ensure development relates sensitively to its setting and addresses edges of the site in a positive way. The site density of 27.9 per ha slightly exceeds this range. The layout meets all other policy requirements.

The scheme has evolved from AL/46/20/PL which proposed 81 dwellings with insufficient open space and non-compliance with the interface standards of the Design Guide and was overdevelopment. Negotiations on this application have sought further refinements to the layout to make plots 44-47 front onto the road removing the need for parking courts, improving the design of plot 61's flank wall which fronts the site road, resolving further insufficient interface distances, better screening the substation (opposite plot 28) and increasing space for street trees.

There are no objections to the layout as this is appropriate to the characteristics of the site, includes a large central open space area and has the majority of housing in a traditional back-to-back or back-to-boundary arrangement. All houses (aside from plot 61 & the side of the plot 1 bungalow) face either the POS or the site roads. The houses are predominantly two storeys with a traditional design & style. There are three chalet bungalows to reflect the character of dwellings on the opposite side of Lidsey Road. Two storeys elsewhere on the frontage is not out of character noting that Wings House is two storeys and there are further two storey heights towards the railway line to the North.

The dwellings are considered to be appropriately mixed with different materials (brick, flint, hanging tile and concrete roof tiles), roof heights, roof forms (mix of hipped, half-hipped, gables, front/side gables), chimneys and open porch designs. The exact materials will be controlled by condition.

The development will not harm the character and appearance of the locality and does not result in significant harm to the visual amenities of the site and its surroundings. The proposal complies with the relevant design policies as set out above.

RESIDENTIAL AMENITY:

ALP policy D DM1 requires there be minimal impact to users and occupiers of nearby property and land. ALP policy QE SP1 requires development contribute positively to the quality of the environment and ensure development does not have a significantly negative impact on residential amenity. The Arun Design Guide sets out guidance on garden depths and interface distances between houses:

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

There are no standards given for either side to side or front to back.

In respect of the two affected adjoining dwellings (Stockhearn & Stockhearn House), the layout provides for around 24m between these & the closest rear elevations and meets policy requirements. There were initially several shortfalls with the interface distances between new dwellings on the site but changes to the scheme has resolved many of these. However, the following issues do remain:

- (a) 19 Front to 22 Side - 10m (4m shortfall);
- (b) 38-43 Front to 44-48 Front - 11m (5m shortfall);
- (c) 57/58 Front to 36/36 Front - 14m (2m shortfall); and
- (d) 37 Rear to 38 Side - 12.7m (1.3m shortfall).

Many of these issues arise due to the road surface being shared surface and hence there being no footways on both sides which is a design choice but it is also noted (as discussed in the next section) that the front gardens depths of the affected properties meet the Design Guide. The Design Guide is not policy and allows for a flexible site-by-site approach. Other mitigating factors are the location and orientation of dwellings which mean that the shortfalls do not impact on natural light and that is no direct line of sight between windows.

The proposal will not cause harm to amenities of future occupiers or existing adjoining properties.

INTERNAL & EXTERNAL SPACE STANDARDS:

As per ALP policy D DM2, it is necessary to assess the proposal against the internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) to determine if the buildings will be suitable for residential use.

The accommodation schedule (Rev P15) provides a breakdown of internal floor areas for all the dwellings. This has been checked for accuracy and demonstrates all dwellings meet or exceed the required internal floor space standards.

The Arun Design Guide sets out standards for garden sizes as follows:

- Private Rear Garden: min. 10.5m depth;
- Private Front Garden: min. 2m depth;
- Private Amenity space for flats including balconies: at least 3sqm of useable space; and
- Communal Shared Spaces for flats: minimum 40sqm plus 10sqm for each unit if not provided as balcony space.

The accommodation schedule provides rear garden lengths of each dwelling. This shows all but 5 of dwellings have rear gardens of 10.5m or more. The exceptions are plots 1 & 2 which are 9.4/9.7m, 21 at 9.7m and 36/37 at 10.2m. The gardens to plots 1 & 2 are both 9m wide whilst plots 36, 37 & 71 are all around 7.8m wide ensuring these gardens have a large useable space. There are no concerns with overlooking arising from these garden depths.

The majority of houses provide a 2m deep front garden in accordance with requirements of the Design Guide. This is certainly the case with those where there is a slight shortfall in front-to-front or front-to-

side distance. Those without a 2m front garden are plots 28, 34 & 35 which front the POS area.

The four flatted properties each have a private rear garden to the rear. These vary in size depending on the unit but the smallest is 20m². There is no communal space but this is acceptable given the flats front onto the POS and that their private spaces are significantly greater than the 3m² requirement.

The proposal will provide a decent standard of amenity for future residents and is therefore acceptable.

WASTE MANAGEMENT:

ALP policy WM DM1 states that new residential development will be permitted provided that it is designed to ensure that kerbside collection is possible for municipal waste vehicles.

The site plan/road layout have been tracked for a refuse vehicle swept path. The refuse strategy is a mix of kerbside collection and bin stores. WSCC Highways are happy with the refuse collection strategy from a safety point of view. The Councils Cleansing Manager has not commented but it is noted that some refuse collection already occurs from Lidsey Road and so the continuing of this arrangement for those houses that front onto the main road would not be inappropriate.

The proposal therefore complies with policy WM DM1.

NOISE & AIR POLLUTION:

ALP Policy QE DM3 requires major developments must be in easy reach of established public transport services, maximise provision for cycling & pedestrian facilities, include electric car charging points and contribute towards the improvement of the highway network. Policy QE DM1 states that residential development likely to experience road noise must (a) be supported by a noise exposure category (NEC) assessment and designed to ensure that residents will not be adversely affected by noise; and (b) consider both the likely level of exposure at the time of application and any increase that might be reasonably expected in the foreseeable future.

The application is not supported by a noise assessment and so there is conflict with policy QE DM1. Environmental Health Officers raise no objections and recommend conditions. The noise conditions will ensure that new residents are not adversely affected by noise from the road, railway line, proposed substation or any on-site pumping station. The fact that a condition is deemed acceptable to combat noise means that a refusal on grounds of conflict with policy QE DM1 would not be sustainable.

In respect of air pollution, as set out elsewhere, the site is adjacent to bus stops and in walking and cycling distance of nearby shops & services. Transport improvements make walking and bus travel more attractive whilst cycle vouchers will promote cycling. A condition will be imposed to ensure the provision of sufficient electric vehicle charging points. The proposal complies with policy QE DM3.

CONTAMINATION:

ALP Policy QE DM4 states that development will be permitted on land that is contaminated as long as remediation is provided. As noted above under Agricultural land, the soils assessment has identified the presence of toxic polycyclic hydrocarbon Benzo-a-Pyrene and arsenic containing material.

Environmental Health have raised no objections subject to a standard contaminated land condition. With this condition in place, a scheme of remediation will be secured and as such the proposal will be in accordance with the policy.

SURFACE WATER DRAINAGE:

The site is not affected by any current or future flooding from rivers/sea. As per the WSCC drainage response, there are no records of any surface water flooding on the site.

ALP policy W DM3 requires all development identify opportunities to incorporate a range of Sustainable Urban Drainage Systems (SUDS), appropriate to the size of development, at an early stage of the design process. ANDP policy EH5 requires new development make appropriate provision for accommodating the surface water arising from the development.

A drainage strategy has been submitted and proposes attenuated storage will be introduced, with a controlled discharge to the adjacent watercourse network provided to manage surface water run-off generated by the development. Run-off will be restricted to greenfield run-off rates and seek a betterment where possible. The drainage scheme will utilise permeable paving to attenuate the runoff. Existing drainage ditches (particularly along Lidsey Road) will re-graded, reprofiled and in certain areas re-aligned, in order to improve flows. An existing section of culverted ditch at the entrance to Wings House will also be reinstated as an open ditch.

The Councils drainage engineer has no in principle objections with the strategy and recommends conditions. However, there is a concern with the placement of trees close to the attenuation basin and tank. For this reason, it is not possible to agree either the landscape drawings or the drainage layout and so these cannot be part of the approved plans listed in condition 2.

As there are no objections to the principle of drainage, there is no conflict with the relevant policies.

FOUL DRAINAGE:

The site falls in the Lidsey Wastewater Treatment Catchment Area. ALP policy W DM1 states that all major developments must demonstrate, that adequate drainage capacity exists or can be provided as part of the development. Where adequate capacity does not exist, there will be a requirement that facilities are adequately upgraded prior to the completion and occupation of development. Policy W DM1 also states that a drainage impact assessment is required for all major development. ANDP policy EH5 requires new development make appropriate provision for accommodating foul water arising from the development.

The application proposes to connect to the existing main sewer via an existing pipe running in the site. Southern Water raise no objection but request a condition to ensure occupation of the dwellings is phased so that there is sufficient network reinforcement in place before the site is completed.

The submitted "Flood Risk Assessment & Drainage Strategy" acknowledges the Lidsey Treatment Catchment designation but does not provide a foul drainage impact assessment as required by the policy and so there is conflict with this. It is material that neither Southern Water nor ADC Drainage Engineers raised concerns regarding the impact of foul or surface water discharge in the Lidsey area.

ENERGY AND CLIMATE CHANGE:

ALP policy ECC SP2 requires that all new residential and commercial development be energy efficient and incorporate decentralised, renewable and low carbon energy supply systems. ECC SP1 requires that new development be designed to adapt to impacts arising from climate change.

The application includes an Energy Statement which sets out details of the proposed energy reduction strategy. This states the development will achieve a 10.1% reduction in carbon dioxide emissions

through a mix of highly efficient materials, ventilation & heating systems, passive solar gains, an air-tight build and solar photovoltaic panels installed on dwellings with optimal, south-facing roof-spaces. As there are no specific details as to which dwellings will be provided with solar panels, it is necessary to impose a condition requiring approval of such energy reduction measures. It is considered the proposal complies with policies ECC SP1 and ECC SP2.

AFFORDABLE HOUSING:

Developments over 10 residential units require a minimum provision of 30% affordable housing on site as per the ANDP policy H4 (over 11 as per ALP policy AH SP2). The ALP policy states affordable housing should be visually indistinguishable from market housing with large groupings of single tenure dwellings or property types avoided. Affordable housing units shall be permitted in small clusters throughout development schemes.

The Council's Housing Strategy & Enabling Manager stated that 22 affordable dwellings should be secured by a s106 legal agreement. The response states tenure split should be 70% rented & 30% intermediate housing with the mix being: 9 x 2 bed, 6 x 3 bed (rented) and 3 x 2 bed, 4 x 3 bed (intermediate).

The layout has been designed to be tenure blind between private and affordable units. The affordable units are shown as predominantly being in two areas - plots 3-10 in the south east corner and plots 44-54 along the northern boundary. Although these are clustered, in practice they are actually situated alongside or opposite market housing. Other affordable plots (22-23 & 63) are scattered in the layout.

Affordable housing provision will be secured by a s106 legal agreement and on this basis, the proposal will accord with policy AH SP2.

PUBLIC OPEN SPACE & PLAY:

ALP policy OSR DM1 requires housing developments provide sufficient public open space, playing pitch provision and indoor sport & leisure provision. The Council's SPD "Open Space, Playing Pitches, Indoor and Built Sports Facilities" (January 2020) sets out a requirement for 4998m² of Public Open Space (POS) and a separate play provision of 859m² (so a total provision of 5857m²).

The layout includes 5,857m² of POS including 925m² of play. The provision includes the central area, the smaller area to the north of the main access road, a small area north of plot 71 and another small area to the side of plot 5. Wildlife buffers are not included in this provision. The Design & Access Statement indicates the layout provides 4 Local Area of Play (LAP), 1 Local Equipped Area of Play (LEAP) and 4 fitness trail type 'stations'. The Council's landscape officer raises no concerns. As there are no detailed plans of the play areas and as the landscaping drawings are not being agreed at this time, conditions are necessary to secure these play areas.

It is not appropriate to provide on-site playing pitch or indoor sport/leisure provision on a site of this size and it is not possible to secure any off-site contributions for such through a s106 Agreement as this site is liable for CIL. District and Parish councils will be able to make a bid for a portion of the CIL payments collected to contribute to such provision elsewhere. Overall, there is no conflict with policy OSR DM1 or the Open Space SPD.

SUPPORTING INFRASTRUCTURE:

ALP policy INF SP1 requires development proposals provide or contribute towards the infrastructure & services needed to support development to meet the needs of future occupiers and the existing

community. Any off-site provision or financial contribution must meet the statutory tests for planning obligations required by Regulation 122 of the Community Infrastructure Regulations 2010.

This development is CIL liable and the contribution of £571,184.73 (minus any relief subsequently applied for) will be collected upon the commencement of development. Infrastructure providers such as WSCC, NHS can then make a bid for a portion of the CIL payments collected to spend on their own projects. The Parish Council will be provided 25% of the CIL receipts to spend on their own projects. These payments go towards providing the infrastructure that the district needs to support existing and future development.

In respect of highway contributions, the Arun Infrastructure Capacity Delivery Plan (2017) provides evidence on the strategic infrastructure mitigation that strategic allocations will contribute towards (para 5.22 of the ICDP) including strategic highway and junction works (e.g. A27, A29 & A259) to be secured via s106 financial contribution or s278 works. However, the strategic infrastructure position is subject to change as further work is undertaken (para 5.23) and the Council has an agreed Apportionment Study to ensure that contributions are proportionate to necessary mitigation revision and changing prices (<https://www.arun.gov.uk/download.cfm?doc=docm93jjm4n15799.pdf&ver=16302>).

The CIL Viability Study 2017 (and 2018 update) also factor in the strategic allocation s106 mitigation costs based on the policies of the ALP and supporting Arun Transport Assessments (paras 2.7, 5.7, 5.8 & 6.2). For non-strategic scale developments, s106 contributions are scaled back to address on-site mitigation, in accordance with the Community Infrastructure Levy regulations 2010 (as amended September 2019). However, an overall s106 assumption of £2,000 per dwelling has been viability tested (para 5.10) and any associated highway works will need to be secured from this pot or via s278 works. Off-site strategic infrastructure may also be contributed towards by CIL for chargeable developments provided that there is 'no double dipping' charging of developers from s106 and CIL. The use of s106 to secure such contributions is appropriate provided that the contribution goes to a named project.

Highways England has been requested to provide details of a named project that the contribution will go towards. Subject to receipt of this information by the date of the Planning Committee, this can be included in the recommendation but otherwise it will be included within the s106 using delegated powers.

There is no conflict with ALP policy INF SP1.

SUMMARY:

This report shows there are some conflicts with guidance/policy concerning housing for older people, noise pollution, impact of foul drainage on the Lidsey Catchment Area and in respect of interface distances between proposed dwellings. However, there are material considerations which outweigh the majority of these conflicts including the benefits of the scheme and the proposal is in accordance with the development plan as a whole.

Given the site lies in the defined BUAB of the recently made ANDP, the NPPF presumption is engaged and this requires that sustainable development be approved without delay. The proposal is recommended for approval subject to conditions and a s106 agreement. As the s106 has not yet been completed, it is requested that the final decision be delegated to the Group Head of Planning with authority to make minor amendments to the s106 including the addition of the specific project concerning the Highways England contribution.

However, should the s106 not be signed within 4 months of the date of the Planning Committee's resolution to grant planning permission, then the application shall be refused for the following reasons:

(1) In the absence of a signed Section 106 agreement, the development fails to make any affordable housing provision and is thereby contrary to the aims and objectives of the National Planning Policy Framework (in particular paragraphs 62-64) and policy AH SP2 of the Arun Local Plan.

(2) In the absence of a signed Section 106 agreement, the development will not provide the highway improvements necessary to deliver the development & mitigate any residual harm to the local and strategic road network and is thereby contrary to ALP policies T SP1, T DM1 and the NPPF.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

SECTION 106 DETAILS

This decision will be passed subject to a s106 legal agreement to secure the following obligations:

AFFORDABLE HOUSING

22 dwellings consisting of 15 Affordable Rented and 7 Intermediate/Shared Ownership.

HIGHWAY IMPROVEMENTS

New uncontrolled crossing facilities at the following locations:

- Lidsey Road adjacent to development frontage to facilitate pedestrian movement across Lidsey Road;
- At the junction of Woodgate Road/Lidsey Road to facilitate pedestrian movement along the footway flanking the eastern side of Lidsey Road;
- At the junction of Oaktree Lane/Lidsey Road to facilitate pedestrian movement along the footway flanking the eastern side of Lidsey Road;

- At junction of Willows Caravan Park/Lidsey Road to connect with the relocated southbound bus stop;
- 25m past the site's southern boundary, in close proximity to the relocated bus stop, a pedestrian crossing to link Lidsey Road's western footway to the relocated southbound bus stop;
- Across the primary and secondary access points for the site;

Pedestrian footway shown on the west of A29 will be locally widened and extended up to the boundary of the Prince of Wales public house.

New footway provided on the east side of Lidsey Road taken from junction of Willows Caravan Park access road to Lee's Yard and tactile paving provided at the access road serving Willows Caravan Park linking to this footway provision.

The northbound bus stop opposite the site would be improved with a new shelter and an increased area of hardstanding.

The southbound bus stop opposite the site would be relocated south of the Willows Caravan Park access to provide more space for the facility and be improved with a new shelter, seating and increased area of hardstanding.

Additional public cycle parking (4 cycle spaces) will be provided on the roadside verge of Hook Lane adjacent to the convenience shop.

Travel Plan and Monitoring Fee.

STRATEGIC HIGHWAY IMPROVEMENTS

A contribution of £36,090.60 to be spent on further mitigation of the A27 junctions in Arun (exact project to be confirmed).

CIL DETAILS

This is a CIL Liable development. It is in Zone 3 and a CIL amount of £571,184.73 is payable unless the applicant applies for exemption subject to the requirements of the CIL Regulations 2010 (as amended). The Parish Council would receive a 25% share of this money (£142,796.18) subject to whether any relief is claimed.

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:

2019/6115/001 Rev I Access Overview and Visibility Splays;
2019/6115/002 Rev I Refuse Vehicle Swept Path Analysis;
2019/6115/003 Rev I Car and Fire Tender Swept Path Analysis;
2019/6115/004 Rev K Secondary Access Visibility Splay and Hook Lane Cycle Parking;

2019/6115/005 Rev I Secondary Access Car and Fire Tender Swept Path Analysis;
2019/6115/006 Rev H Internal Layout Visibility Splays;
2019/6115/007 Rev J Internal Layout Turning Head Swept Path Analysis;
2019/6115/008 Rev I Refuse and Car Passing Swept Path Analysis;
2019/6115/009 Rev J Fire Tender Access Swept Path Analysis;
2019/6115/010 Rev J Car Parking Swept Path Analysis;
2019/6115/011 Rev I NMU Offsite Works Overview;
19-121_0001 Site Location Plan Rev 3;
19-121_0003 Proposed Block Plan Rev 3;
19-121_0004 Proposed Site Plan Rev 6;
19-121_0060 Site Sections 1 Rev 2;
19-121_0061 Site Sections 2 Rev 3;
19-121_0008 Cycle store and substation details Rev 1;
19-121_0110 Plans and Elevations Units 1-2 Rev 1;
19-121_0111 Plans and Elevations Units 3-4 Rev 1;
19-121_0112 Plans and Elevations Units 5-6 Rev 1;
19-121_0113 Plans and Elevations Units 7-8 Rev 1;
19-121_0114 Plans and Elevations Units 9-10 Rev 1;
19-121_0115 Plans and Elevations Units 11-12 Rev 1;
19-121_0116 Plans and Elevations Units 13-14 Rev 1;
19-121_0117 Plans and Elevations Units 15-16 Rev 1;
19-121_0118 Plans and Elevations Units 17-18 Rev 1;
19-121_0119 Plans and Elevations Units 19-21 Rev 1;
19-121_0120 Plans and Elevations Units 22-23 Rev 1;
19-121_0121 Plans and Elevations Units 24-27 Rev 1;
19-121_0122 Plans and Elevations Units 28-29 Rev 1;
19-121_0123 Plans and Elevations Units 30-31 Rev 1;
19-121_0124 Plans and Elevations Units 32-33 Rev 1;
19-121_0125 Plans and Elevations Units 34-35 Rev 1;
19-121_0126 Plans and Elevations Units 36-37 Rev 1;
19-121_0127 Plans and Elevations Units 38-39 Rev 2;
19-121_0128 Plans and Elevations Units 40-41 Rev 1;
19-121_0129 Plans and Elevations Units 42-43 Rev 2;
19-121_0130 Plans and Elevations Units 44-45 Rev 2;
19-121_0131 Plans and Elevations Units 46-47 Rev 2;
19-121_0142 Plans and Elevations Units 48-49 Rev 1
19-121_0143 Plans and Elevations Units 50-51 Rev 1
19-121_0132 Plans and Elevations Units 52-54 Rev 1;
19-121_0133 Plans and Elevations Units 55-56 Rev 1;
19-121_0134 Plans and Elevations Units 57-58 Rev 1;
19-121_0135 Plans and Elevations Units 59-60 Rev 1;
19-121_0136 Plans and Elevations Units 61-62 Rev 4;
19-121_0137 Plans and Elevations Unit 63 Rev 1;
19-121_0138 Plans and Elevations Units 64-65 Rev 1;
19-121_0139 Plans and Elevations Units 66-67 Rev 1;
19-121_0140 Plans and Elevations Unit 68-69 Rev 1;
19-121_0141 Plans & Elevations Units 70-71 Rev 1;

Ecology Assessment (ref DFA21007V3);
Bat Survey Report (ref 9896.21 v2, 10/07/20);
Reptile Survey (ref DFA21027V2, May 21);
Habitat Suitability Index & eDNA Test Report (letter dated 12 June 2019);

The Arboricultural Report (incorporating Arboricultural Impact Assessment and Method Statement), ref. B/0300/21, Jan 2021; and

The separately amended Appendix 6 "Development Proposal Plan" (13/05/21), Appendix 7 "Tree Protection Plan" (13/08/21), Appendix 13 - Tree 1 detail phase 1 protection (13/08/21), Appendix 14 - Tree 1 detail phase two protection (13/08/21) and Appendix 15 - T15 detail.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies QE SP1, D DM1, ENV DM5, T SP1 and T DM1 of the Arun Local Plan.

- 3 The preparation and development of the site must be carried out in accordance with the protection and mitigation measures as set out within the submitted Soil Resource Plan by Geo Environmental Soils Limited ref GE192231-SRP-JAN21 (27/01/21). The soil protection/mitigation measures shall be implemented as per the document and then permanently adhered to throughout the construction process.

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

- 4 The development shall be carried out in complete accordance with the precautionary approach, mitigation measures and other enhancements as set out in the following documents:

Ecology Assessment (ref DFA21007V3) - section 6 "Impacts, Mitigation and Enhancements";
Bat Survey Report (ref 9896.21 v2, 10/07/20) - section 5 "Summary & Recommendations";
Reptile Survey (ref DFA21027V2, May 21) - section 4 "Mitigation";
Habitat Suitability Index & eDNA Test Report (letter dated 12 June 2019) - "Evaluation and Recommendations" section; and
Information to Inform a Habitat Regulations Assessment (ref DFA21025V2).

The mitigation measures shall be implemented in full and permanently adhered to throughout the development of the site.

No development above damp-proof course (DPC) level shall take place unless and until a biodiversity enhancement plan has been submitted (itself based on the measures identified in the above documents) for approval in writing by the Local Planning Authority.

Reason: To mitigate harm to Bats, Great Crested Newts, reptiles and other wildlife species in accordance with Arun Local Plan policy ENV DM5 and the National Planning Policy Framework.

- 5 No demolition/construction activities shall take place other than from 08:00 hours until 18:00 hours (Monday to Friday) and from 08:00 hours until 13:00 hours (Saturday) with no noisy work (defined as not involving any machinery/plant) on Sunday or Bank/Public Holidays. In addition, there shall be no external working an hour before, during and an hour after sunset and sunrise even if those times fall within the above time periods.

Reason: To protect the amenity of local residents and on-site biodiversity in accordance with policies ENV DM5, QE SP1 and QE DM1 of the Arun Local Plan.

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

and enhancement measures.

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

- 7 All activity at the site is to be carried out in strict accordance with the "Arboricultural Report" (incorporating Arboricultural Impact Assessment and Method Statement), ref. B/0300/21, January 2021 and the separately amended Appendix 6, 7, 13, 14 & 15 plans.

If there is deemed to be a need for any Utility Service Route connections to bisect retained tree Root Protection Areas/Zones, then prior to their installation a Method Statement prepared by an Arboricultural Expert must be submitted that stipulates how this can be achieved without adverse impact on tree roots. Written approval and confirmation of acceptance of this Methodology must be issued before any works are commenced out on site.

Reasons: To comply with BS5837 and policy ENV DM4 of the Arun Local Plan to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised, and they can continue to enhance the landscape and amenity of the area. This is required to be a pre commencement condition because it is necessary to ensure that trees are fully protected before the ground is disturbed and works commence.

- 8 Before the site is occupied or any heavy plant/equipment is introduced to the site or demolition work or construction work or alterations to existing ground levels takes place (but not including survey work) a PRE-COMMENCEMENT Site Meeting is to take place between the Planning Authority's Tree Officer and the Arboricultural Expert representing the site owner(s) - at this meeting all protective fencing and ground protection measures will be inspected to verify they are 'Fit for Purpose' as required under British Standard 5837:2012 and have been erected and positioned exactly as shown on the following Tree Protection Plans:

- (i) Appendix 7 - tree protection plan, 13/08/2021;
- (ii) Appendix 13 - T1 detail - phase 1 protection, 13/08/2021;
- (iii) Appendix 14 - T1 detail - phase 2 protection, 13/08/2021; and
- (iv) Appendix 15 - T15 detail, 13/08/2021.

A schedule of Site Monitoring/Supervision visits and Reporting Procedures prepared by an Arboricultural Expert will be required and their extent will be agreed on at the site meeting to the satisfaction of the Planning Authority's Tree Officer

Reasons: To comply with BS5837 and to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised, and they can continue to enhance the landscape and amenity of the area. This is required to be a pre commencement condition because it is necessary to ensure that trees are fully protected before the ground is disturbed and works commence.

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

implemented in accordance with the approved details and timetable and retained as operational thereafter.

Reason: In order to secure 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.

- 10 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. This will be subject to consultation with ADC's Drainage Engineers and Tree Officer.

- 11 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.

- 12 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.

- 13 No development shall take place until the applicant has implemented the program of archaeological works in accordance with the written scheme of investigation by Wessex Archaeology (ref 247740.1, Issue 4, Aug 2021) which has been agreed with the Council's Archaeological Officer. A verification report must be submitted for approval by the Planning Authority prior to commencement.

Reason: The site is of archaeological significance in accordance with Arun Local Plan Policy HER DM6. This is required to be a pre-commencement condition because the commencement of construction work could harm any archaeology within the site area.

- 14 No development shall take place, including any works of demolition, until a Construction & Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority (who shall consult with WSCC Highways and the Council's Environmental Health Officers). Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. This shall require the applicant and contractors to minimise disturbance during demolition and construction and will include (but not be limited to) details of the following information for approval:

- the phased programme of construction works;
- the means of access and road routing for all construction traffic associated with the development;
- provision of wheel washing facilities (details of their operation & location) and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulations Orders);
- details of street sweeping;
- construction vehicle delivery times;
- details of a means of suppressing dust & dirt arising from the development;
- a scheme for recycling/disposing of waste resulting from demolition and construction works (i.e. no burning permitted);
- details of all proposed external lighting to be used during construction (including location, height, type & direction of light sources and intensity of illumination);
- details of areas for the loading, unloading, parking and turning of vehicles associated with the construction of the development;
- details of areas to be used for the storage of plant and materials associated with the development;
- details of the temporary construction site enclosure to be used throughout the course of construction (including access gates, decorative displays & facilities for public viewing, where appropriate);
- contact details for the site contractor, site foreman and CDM co-ordinator (including out-of-hours contact details);
- details of the arrangements for public engagement/consultation both prior to and continued liaison during the construction works;
- details of any temporary traffic management that may be required to facilitate the development including chapter 8 traffic signage;
- 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 how measures will be put in place to address any environmental problems arising from any of the above shall be provided. A named person shall be appointed by the applicant to deal with complaints, shall be available on site and their availability made known to all relevant parties.

The Construction & Environmental Management Plan shall also include reference measures to minimise disturbance to bats and other wildlife during construction including the briefing of site operatives, monitoring by an ecologist and either securing or providing a means of escape for all deep pits/trenches/holes present on the site at night-time.

Reason: In the interests of the safety/amenity of nearby residents & occupiers of any nearby noise sensitive premises, the safety & general amenities of the area, biodiversity (particularly bats) and in the interests of highway safety in accordance with policies D DM1, ENV DM5, QE SP1, QE DM1, QE DM2, QE DM3, W DM1 and T SP1 of the Arun Local Plan and the NPPF. This is required to be a pre-commencement condition because it is necessary to have the construction site set-up agreed prior to access by construction staff.

- 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.

The submission of details shall also include a phasing plan drawn up 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 that the proposed development has a satisfactory means of disposing of foul sewerage in accordance with policies W DM1 and W DM3 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the foul water drainage system prior to commencing any building works.

- 16 Prior to the commencement of development a detailed level survey of the site including existing and resulting ground levels and the slab levels of the building the subject of this approval, shall be submitted to and approved by the Local Planning Authority. The development shall proceed only in accordance with the details thus approved and there shall be no subsequent raising of levels without prior written approval of the Local Planning Authority.

Reason: In order to safeguard the amenities of the area and neighbouring residents in accordance with policy D DM1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because levels need to be checked before any initial laying of house foundations takes place.

- 17 Prior to the commencement of development, the following components of a scheme 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 uses potential contaminants associated with those uses
a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The site investigation results and the detailed risk assessment (2) and, based on these, 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.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved. Where demolition is required 1. and 2. should be submitted prior to demolition. Parts 3. and 4. can take place post demolition if necessary.

The scheme shall be implemented as approved above and, prior to commencement of any construction work (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), 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 development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with Arun Local Plan policies QE SP1 and QE DM4. This is required to be a pre-commencement condition because these details have to be agreed and in place before any work commences.

18 No development above damp-proof course (DPC) level shall take place until there has been submitted to, and approved by, the Local Planning Authority, a scheme to:

(a) demonstrate that the internal noise levels within the residential units will conform to the "Indoor ambient noise levels for dwellings" guideline values specified within Table 4 under section 7.7.2 of BS 8233:2014.

(b) demonstrate that the external noise levels within the curtilage of residential units will conform to the "Design criteria for external noise" upper guideline value of 55 dB LAeq,T as specified within section 7.7.3.2 of BS 8233:2014.

Details shall be compiled by a competent acoustician on sound insulation and noise reduction for buildings and shall be submitted to and approved in writing by the Local Planning Authority. The scheme should take into account the correct number of air changes required for noise affected rooms. The scheme shall also take account of road noise from the A29 and railway noise from the nearby railway line. The works specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the premises and be retained thereafter.

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

19 No development above damp-proof course (DPC) level shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme including full details of soft landscaping and details of existing trees and hedgerows to be retained. The approved details of the landscaping shall be carried out in the first planting and seeding season, 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 five years from the completion of 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.

The landscaping scheme should include new native tree planting on a ratio of 2 for every 1 that is felled unless there is clear evidence/justification as to why this is not possible. The landscaping scheme should also avoid any new trees closer to the drainage attenuation features or if this is unavoidable then the root potential areas of these trees shall be shown to allow assessment.

Reason: In the interests of amenity, the environment and biodiversity of the development in accordance with policies D DM1 and ENV DM5 of the Arun Local Plan.

- 20 No development above damp-proof course (DPC) level shall take place until details (including elevations and materials) of all new screen walls and fences within and around the site have been submitted to and approved by the Local Planning Authority and no dwellings shall be occupied until such screen walls and fences associated with them have been erected.

Reason: In the interests of amenity in accordance with policy D DM1 of the Arun Local Plan.

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

Reason: To enable the Local Planning Authority to control the development in detail in the interests of visual amenity and local character in accordance with policy D DM1 of the Arun Local Plan.

- 22 No development above damp-proof course (DPC) level shall take place unless and until details of the proposed location of the required fire hydrants have been submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service.

Reason: In the interests of amenity and in accordance with policy INF SP1 and TSP1 of the Arun Local Plan and in accordance with The Fire & Rescue Service Act 2004.

- 23 If any residential properties are to be completed and occupied prior to the whole development being finished, then a scheme to protect those early occupants from noise and vibration associated with construction activities should be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented in full and retained throughout the rest of the construction process.

Reason: To protect the amenity of future residents in accordance with Policy QE DM1 of the Arun Local Plan.

- 24 Prior to the first use of the electricity substation, an acoustic report assessing the impact of its use on local residents shall be submitted to and approved in writing by the Local Planning Authority. The report shall address the issue of noise (including low frequency noise) and vibration from the station to ensure that there is no adverse effect to residential properties.

The scheme shall ensure that the low frequency noise emitted from the substation is controlled so that it does not exceed the 'Low Frequency Criterion Curve' for the 10 to 160 Hz third octave bands inside residential accommodation as described in the DEFRA funded University of Salford Manchester guidance document entitled 'Procedure for the Assessment of Low Frequency Noise Complaints' (NANR45 Rev.1 - December 2011), see

http://sciencesearch.defra.gov.uk/Document.aspx?Document=10470_NANR45-procedure_rev1_23122011.pdf.

The electricity substation equipment shall thereafter 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. No future new substation plant shall be used without the written consent of the Local Planning Authority.

Reason: To protect the amenity of future residents in accordance with Policy QE DM1 of the Arun Local Plan.

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

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

- 26 Prior to the first occupation of any dwelling forming part of the proposed development, the developer shall at their own expense install the required fire hydrants (or in a phased programme if a large development) in the approved locations 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.

Reason: In the interests of amenity and in accordance with policy INF SP1 and TSP1 of the Arun Local Plan and in accordance with The Fire & Rescue Service Act 2004.

- 27 Prior to the occupation of any part of the development, full details of all new external lighting (including type of light appliance, the height and position of fitting, predicted illumination levels and light spillage) shall be submitted to and approved in writing by the Local Planning Authority. This submission should also cover new streetlighting if required. The scheme should seek to conform with the recommendations of the Institution of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Obtrusive Light" (GN01:2011) but also minimise potential impacts to any bats using the trees and hedgerows by avoiding unnecessary artificial light spill through the use of directional light sources and shielding. In particular, there should be no external lighting that illuminates the wildlife buffer areas to the western and southern site boundaries. The lighting approved shall be installed and maintained in accordance with the approved details.

Within 3 months of the completion of the development, the predicted illuminance levels shall be tested by a competent person to ensure that the illuminance levels agreed in the scheme are achieved. Where these levels have not been met, a report to demonstrate what measures have been taken to reduce the levels to those agreed within the application scheme shall be submitted to and approved in writing by the Local Planning Authority.

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

- 28 No part of the development, hereby permitted, shall be occupied until the accesses as shown on the approved planning drawings have been constructed to a final specification to be agreed with the local Highway Authority through a formal S38 and/or S278 process.

Reason: To ensure fit-for-purpose accesses constructed to appropriate design and safety standards in accordance with policy T SP1 of the Arun Local Plan and the National Planning Policy Framework.

- 29 No part of the development shall be occupied until the internal access road layout has been constructed in accordance with the approved plans.

Reason: To ensure fit-for-purpose roads constructed to appropriate design and safety standards in accordance with policy T SP1 of the Arun Local Plan and the National Planning Policy Framework.

- 30 No part of the development, hereby approved, shall be occupied until provision for parking and turning of cars associated with the development has been provided in accordance with the approved plans. Provision should thereafter be maintained solely for the purpose of the parking and turning of vehicles clear of the highway.

Reason: To ensure that adequate provision for the parking and turning of vehicles is provided for the development in accordance with policy T SP1 of the Arun Local Plan and the National Planning Policy Framework.

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

Reason: New petrol, diesel and hybrid cars/vans will not be sold beyond 2030, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with policy QE DM3 (c) of the Arun Local Plan, the Arun Parking Standards SPD and the National Planning Policy Framework.

- 32 No part of the development shall be first occupied until covered and secure cycle parking spaces for the individual houses have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority. No details are required for the proposed flats as the communal store has been approved through the application decision.

Reason: To provide alternative travel options to the use of the car in accordance with Local Plan policies T SP1 & T DM1 and the National Planning Policy Framework.

- 33 No development shall be occupied until any disused crossovers and/or accesses no longer required as part of the development, have been permanently removed and reinstated in

accordance with plans to be submitted to and approved by the Local Planning Authority in consultation with West Sussex Highways.

Reason: To ensure that any access points not required to serve the development are permanently removed to avoid risk of inappropriate reopening in the future and also in the interests of road safety in accordance with policy T SP1 of the Arun Local Plan and the National Planning Policy Framework.

- 34 Upon the first occupation of the dwellings, 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 of the Arun Local Plan and the National Planning Policy Framework.

- 35 None of the dwellings shall be occupied unless and until full details of the public open space (POS) management arrangements have been submitted to and approved in writing by the Local Planning Authority. The POS shall thereafter be implemented in accordance with the provision as agreed by application AL/20/21/PL (or any subsequent variation application) prior to occupation of the 36th dwelling and permanently retained thereafter. The approved management details shall then be permanently adhered to.

Reason: To ensure that the POS is provided and that a management regime is established in accordance with policy OSR DM1 of the Arun Local Plan.

- 36 None of the dwellings shall be occupied unless and until full details of the proposed play provision and the management arrangements for this provision have been submitted to and approved in writing by the Local Planning Authority. The public play provision shall be implemented in accordance with the approved details prior to occupation of the 36th dwelling and permanently retained thereafter. The approved management details shall then be permanently adhered to.

Reason: To ensure that play provision is in place for future residents and that a management regime is established in accordance with policy OSR DM1 of the Arun Local Plan.

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

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

- 38 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 ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with Arun Local Plan policies QE SP1 and QE DM4.

- 39 Should any pumping station be required to be installed on the site then noise associated with it shall not exceed 45dB LAeq (15mins) with no tonal components evident at the boundary of the nearest noise sensitive property. In addition, when assessed by a competent acoustic engineer, the Vibration Dose Value (VDV) shall not exceed the applicable 'low probability of adverse comment' level for the test environment in question (i.e. residential buildings) contained within BS6472-1:2008 (Guide to evaluation of human exposure to vibration in buildings - Part 1: Vibration sources other than blasting) inside the nearest property. A test or prediction of the noise levels and a test or estimation of the expected vibration environment to demonstrate compliance with the levels shall be undertaken within 3 months of the pumping station first being operational.

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

- 40 All bathroom and toilet windows in the elevations of any of the buildings hereby approved shall be glazed with obscured glass and permanently retained so thereafter.

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

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

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

- 42 Notwithstanding the provisions of Parts 1 & 20 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (as amended) (or any Order revoking or re-enacting this Order) no rear dormer/roof extensions/alterations to the buildings associated with plots 5-21 inclusive shall be constructed unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: In the interests of protecting the amenities of the existing dwellings adjacent to the southern boundary in accordance with policies D DM1 and QE SP1 of the Arun Local Plan.

- 43 Notwithstanding the provisions of Schedule 2, Part 2, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting this Order) no fences, walls, gates or other means of enclosure (other than those specified on the approved plans) shall be erected on land within the curtilage forward of the primary or side elevations of any of the approved houses, unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: In the interests of visual amenity in accordance with policy D DM1 of the Arun Local Plan.

- 44 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.

- 45 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to 22 affordable houses, a strategic highways contribution and various local highway/sustainable transport improvements.
- 46 INFORMATIVE: Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm event plus 40% on stored volumes/rainfall intensity (allowance for climate change) between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year storm event plus 40% on stored volumes/rainfall intensity. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers. Supplementary guidance notes regarding surface water drainage are located here: <https://www.arun.gov.uk/drainage-planning-consultations>. A surface water drainage checklist is available on Arun District Councils website, this should be submitted with a Discharge of Conditions Application.
- 47 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.
- 48 INFORMATIVE: If during construction works, it becomes apparent that implementation cannot be carried in accordance with previously agreed details any resubmission of the drainage design must be accompanied by an updated copy of the management manual.
- 49 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read the New Connections Services Charging Arrangements documents which are available to read on the SW website: <https://beta.southernwater.co.uk/infrastructurecharges>.
- 50 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.
- 51 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. A Natural England Bat Licence will be required to demolish Wings House and the linked garage.

- 52 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. For further information please contact the Environmental Health Department on (01903) 737555.
- 53 INFORMATIVE: The applicant's attention is drawn to the requirements of the Environmental Protection Act 1990 and the Clean Air Act 1993 with regard to burning on site. A statutory nuisance may be caused by smoke and/or ash from fires or noise from the cutting and/or chipping trees. In addition, air quality could be adversely affected on large projects. The granting of this planning permission does not permit a statutory nuisance to be caused. The Environment Agency should be contacted regarding Exemption Permits to burn on site.
- 54 INFORMATIVE: In the interests of crime prevention and deterrence, the development should incorporate security measures in accordance with the consultation advice of Sussex Police (dated 18/02/21) as available on the Councils website.
- 55 INFORMATIVE: If deemed necessary, the applicant should contact West Sussex County Council Legal Services to obtain necessary information to enter into the Section 59 Agreement under the Highways Act 1980. This Agreement is would be required in the event that extraordinary traffic required to build the development is generated during the construction phase/s in order to provide a means of making good the public highway following the cessation of construction traffic and building work on the site. Full details of the process can be obtained from the Local Highways Manager WSCC.
- 56 INFORMATIVE: Applications for S38 and/or S278 Agreements should be made to WSCC as Highway Authority. Full details are available on the WSCC website. Roads not forming part of the adopted highway network and/or not intended to be offered for adoption, will not be inspected by the Highway Authority during or after any construction phases. Such roads should, however, be assessed and formally signed-off/approved by a suitable Chartered Civil Engineer to the satisfaction of the LPA.