

REPORT UPDATE

Application No: AL/34/22/PL

Reason for the Update / Changes

Reason for Update/Changes:

Natural England responded to the Councils Appropriate Assessment (AA) on 05/07 stating:

"Natural England has previously commented on this proposal and made comments to the authority in our letter dated 31 August 2021, reference number: 364297. The advice provided in our previous response applies equally to this amendment, although we made no objection to the original proposal. The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal. Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us."

Therefore, they have agreed the AA and there is no conflict with policy ANDP policy EH12 2019.

Members should also note that the amended Construction Management Plan as referred to in the report has now been approved through AL/77/22/DOC. The wording of condition 12 has been tweaked to better reflect this.

Through discussions with the applicant, it has also been necessary to amend (a) condition 1 (to reflect the date the permission was actually issued - 01/03/22 not 28/02/22), (b) condition 15 to clarify commencement (replacing 'Prior to the commencement of development' with 'Prior to the commencement of any construction work (or such other date in development as may be agreed in writing with the Local Planning Authority)', and (c) condition 28 (by changing the word 'development' to 'dwelling' to ensure that the permission can be delivered/occupations can occur in a phased manner).

Officers Comment:

The changes to the four conditions as detailed above are shown below and members are requested to agree the recommendation in accordance with these revisions:

(1) The development hereby permitted shall be begun before the expiration of 3 years from the date of the planning permission under AL/20/21/PL (01/03/22).

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

(12) The development shall proceed in full accordance with the Construction & Environmental Management Plan approved through application ref AL/23/22/DOC and as amended by the approval of AL/77/22/DOC. This plan shall be in force throughout the construction process.

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.

(15) Prior to the commencement of any construction work (or such other date 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 ("Remedial Strategy & Verification Plan - Land off Lidsey Road, Woodgate, Chichester, West Sussex, PO20 3SU", ref GE19228-RSVPv2AP210930, September 2021, as agreed through AL/30/22/DOC) 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.

(28) No dwelling, hereby approved, shall be occupied until provision for parking and turning of cars associated with that dwelling 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.

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/34/22/PL

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

PROPOSAL: Variation of conditions imposed under AL/20/21/PL relating to conditions 2-plans condition (three bungalows changed to two storey houses, other elevation detail changes and highway drawings amended to reflect layout changes) and 5-hours of demolition/construction (to make it so that the additional bat working restrictions do not apply outside of bat hibernation times).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The application seeks to amend the permission by:

(1) replacing three chalet bungalows (plots 1, 2 & 63) with three, two-storey houses that remain M4(2) compliant and with the same number of beds. This results in amendments to the footprint of these dwellings and the location of the parking spaces for plots 1 & 2 (but has no effect on the parking provision) thus also necessitating an update of all of the plans that currently show the layout.

(2) adding elevational details (brick sills and enhanced gable entrance canopies) to plots 3, 4, 11, 12, 17, 18, 34, 35, 61 & 62; and

(3) amending the construction hours condition to allow working outside of the sunrise to sunset period between November and February as this is when bats are not generally active (but still only between 8am and 6pm Mon-Fri / 8am and 1pm Sat).

TOPOGRAPHY

Predominantly flat.

TREES

There are several trees on the east and west site boundaries and in the site. AL/20/21/PL allowed the removal of 22 trees including 10 category B trees. The 9 Pedunculate Oak trees protected by TPO/1/18 are retained. Two sections of hedgerow forming part of the boundaries of the existing dwelling have also been removed as per AL/20/21/PL.

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.

SITE CHARACTERISTICS

Former garden nursery and 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.

CHARACTER OF LOCALITY

The character is 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/77/22/DOC

Approval of conditions reserved by condition imposed under AL/20/21/PL relating to condition 14-Construction and Environmental Management Plan.

AL/57/22/DOC Approval of details reserved by condition imposed under AL/20/21/PL relating to conditions 10-surface water drainage, 11-discharge flows to watercourses, 12-maintenance and management of surface water drainage system and 16-level survey.

AL/20/21/PL	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.	App Cond with S106 28-02-22
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AL/20/21/PL was approved by the Planning Committee in February 2022. Several conditions have been discharged albeit pre-commencement conditions 10, 11, 12 & 16 remain outstanding (but the subject of current application AL/57/22/DOC).

AL/77/22/DOC proposes an amendment to the agreed Construction & Environmental Management Plan to state all external lighting on site shall be directional LED lighting which shall be directed away from retained hedgerows. In addition, lighting around Plots 42-45 & 28-29 will only be operational during sunrise/sunset hours only to minimise disturbance to the neighbouring hedgerow.

REPRESENTATIONS

Aldingbourne Parish Council - object to the change from bungalows to two storey houses as this does not allow for anybody with a disability and precludes them from the development.

One objection stating bats should be left alone as they are finding less and less areas around to live and they are just as important as the people who want to live here.

The applicant has forwarded a letter of support from the Aldingbourne Barnham & Eastergate Community Land Trust (ABE CLT) stating:

"The ABE Community Land Trust has been working with the applicant Southern Housing Group and has a nominations agreement in place through the Section 106 agreement. This Minor Material Amendment application proposes to remove the three bungalows and switch these to three, two-bedroom houses. The ABE Community Land Trust supports this proposed change due to the lack of demand for bungalow dwellings in this particular location and the high demand for starter and young family housing."

COMMENTS ON REPRESENTATIONS RECEIVED:

The letter of support is noted. The impact on bats is discussed in the conclusions.

Regarding the Parish objection, it should be noted that AL/20/21/PL was approved with the provision of 3 x M4(2) dwellings which were two-bedroom chalet bungalows (plots 1, 2 & 63). These three person dwellings had the master bedroom and a bathroom on the first floor. Whilst they would allow for a person/s to sleep in the second bedroom on the ground floor, they were not designed to be accessible for wheelchairs or those unable to climb stairs (and so the fixtures/fittings e.g. plug sockets would not be suitable for a wheelchair). M4(2) homes are suitable for the older generation and capable of adaption but

are not wheelchair user dwellings - these are covered by M4(3) and were not secured by AL/20/21/PL. The two-storey houses (plots 1, 2 & 63) remain M4(2) compliant with no loss of this provision.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

NATURAL ENGLAND - stated they are not able to fully assess the potential impacts of this proposal on statutory nature conservation sites or protected landscapes or, provide detailed advice on the application.

WSCC HIGHWAYS - raises no objections with no comments.

ADC ENVIRONMENTAL HEALTH - no objections and no comments.

COUNCILS ECOLOGIST - requested further information from the applicant to ensure it is beyond scientific doubt that the variation to condition 5 will avoid adverse effects on the integrity of the The Singleton & Cocking Tunnels Special Area of Conservation (SAC) and that the LPA can provide an updated Appropriate Assessment to Natural England for comments.

COMMENTS ON CONSULTATION RESPONSES:

NATURAL ENGLAND - notwithstanding the comments, given the location of the site within 12km of the Singleton & Cocking Tunnels SAC, an Appropriate Assessment was prepared and issued on the 16th of June to Natural England for review. They state they will respond by 14th of July and their response will be reported to the Planning Committee.

COUNCIL ECOLOGIST - a meeting was held on 26/05/22 between the council's ecologist, case officer and the applicant's ecologist where it was agreed that the key retained bat habitat on the site was the northern part of the western boundary hedgerow. It was agreed the applicant would amend the approved Construction & Environmental Management Plan to specify all lighting will be directed away from all of the boundaries and that lighting around those plots closest to the important part of the western boundary will be subject to additional controls (these being plots 42-45 & 28-29).

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 SAC.

DEVELOPMENT PLAN POLICIES

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

DDM1 D DM1 Aspects of form and design quality

DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ENVDM1	ENV DM1 Designated Sites of Biodiversity or geographical imp
ENVDM5	ENV DM5 Development and biodiversity
QEDM2	QE DM2 Light pollution
QESP1	QE SP1 Quality of the Environment

[Aldingbourne Neighbourhood Plan 2019-31 Policy H2](#) Housing Mix

Aldingbourne Neighbourhood Plan 2019-31 Policy H9 Attention to detail

Aldingbourne Neighbourhood Plan 2019-31 Policy EH10 'Unlit Village' status

Aldingbourne Neighbourhood Plan 2019-31 Policy EH2 2019 Protection of bat habitation

PLANNING POLICY GUIDANCE:

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

SUPPLEMENTARY POLICY GUIDANCE:

SPD13	Arun District Design Guide (SPD) January 2021
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POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, 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 proposal does not materially alter the agreed provision of parking or homes suitable for older people and there will not be any adverse harm to the character of the area, the amenities of existing/future residents, to local biodiversity or to the integrity of the Singleton & Cocking Tunnels SAC.

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:

The site benefits from an extant permission which has not been commenced but is valid until February 2025. This application seeks to replace three chalet bungalows with three, two-storey dwellings and incorporate additional design details to ten dwellings. It also proposes an alteration to the construction hours condition although the agreed hours remain the same.

Due to the nature of the changes, it is only necessary to re-assess the impact of the proposal on biodiversity (particularly bats), on the character & appearance of the site/area and on internal space standards. This report will determine whether the changes now sought cause additional harm compared to the approved scheme, and if harm is considered to arise, is it sufficient to warrant refusal.

BIODIVERSITY & IMPACT ON BATS:

ALP policy ENV DM5 states development shall seek to achieve a net gain in biodiversity and protect habitats on site. ANDP policy EH6 requires that developments retain hedgerows, incorporate biodiversity in layouts and demonstrate biodiversity net gain.

The site is wholly in the 12km buffer zone of the Singleton and Cocking Tunnels Special Area of Conservation (SAC). ANDP policy EH12 2019 states proposals for development of greenfield sites in this area 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 tree lines. Such features should be retained unless it is proven that they are not used by Barbastelle, Bechstein's or other bats linked with nearby roosting sites.

AL/20/21/PL was approved following the submission to Natural England of a revised Appropriate Assessment (AA) and subsequent receipt of Natural England's comments on 31/08/21 in which it was stated:

"No objection - subject to appropriate mitigation being sought. We consider 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.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:

- the measures as detailed in the final Habitats Regulation Assessment (AA)."

One measure in the AA was a condition stating "No demolition or 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."

Natural England in their response of 31/08/21 state "Regarding disturbance which could be caused by the construction of the proposal we endorse the time restrictions on activity between 8am and 8pm. We also agree that restricting activity an hour either side of sunrise and sunset will be effective at reducing disturbance. We advise these measures are secured by an appropriate planning condition."

Subsequently, the applicant highlighted that the supporting information provided during the application (which informed the revision of the AA) recommended the condition be worded to only restrict works an hour before, during and an hour after sunset & sunrise between March and October.

Advice was sought from Natural England and the council received a response in January 2022 to state that "Natural England advise that the current condition is sufficiently precautionary to account for recent mild winters and associated continued bat activity. Furthermore, any changes will need to be accompanied by an updated AA." The applicant was asked to submit a variation of condition application to seek approval for the proposed change in the wording.

On 26/05/22, a meeting was held between the council's ecologist, case officer and the applicant's ecologist when it was agreed the key retained bat habitat on site was the northern part of the western boundary hedgerow. It was agreed that the applicant would amend the approved Construction & Environmental Management Plan (CEMP) to specify that construction lighting will be directed away from all boundaries and lighting around those plots closest to the important part of the western boundary will be subject to additional controls (these being plots 42-45 & 28-29).

This aims to avoid impacts to Barbastelle bats which have been recorded in the vicinity of the site. These bats could be flying during any periods of mild winter weather outside the March to October period and using the western boundary hedgerow as a route to/from the Singleton & Cocking Tunnels SAC and would then be unaffected by lighting during the construction period. On this basis, it was agreed that subject to Natural England agreement, the change to condition 5 could be supported by officers.

The applicant has submitted a new application to re-discharge condition 14 of AL/20/21/PL (AL/77/22/DOC) and this proposes the following revision to the agreed CEMP: "All external lighting on the construction site shall be directional LED lighting which shall be directed away from retained hedgerows. Lighting around Plots 42-45 & 28-29 shall be operational during sunrise/sunset hours only to minimise disturbance to neighbouring hedgerow."

This application is pending but subject to agreement from the council's ecologist (which is expected as the change is in response to the agreed position), the condition will be agreed, and the revised CEMP will then take effect. AL/77/22/DOC will be determined prior to committee as the recommendation on AL/34/22/PL is dependent on that approval - and the comments of Natural England.

The condition requiring details of lighting concerned with the completed housing development has not been discharged so the council retains full control over this aspect of lighting and will similarly ensure (in association with the advice of our ecologists) that lighting is directed away from the boundaries.

On this basis, and assuming Natural England raise no objections, then there is no conflict with policy ANDP policy EH12 2019 so it recommended that the hours of working condition be varied to remove the additional hours restriction other than in respect of the plots closest to the important hedgerow. There are

no conflicts with other biodiversity policies as there are no changes to the approved scheme that result in new impacts.

DESIGN & CHARACTER:

ALP policies D SP1 and D DM1 require development to make the best possible use of land by reflecting or improving on the character of the site/surrounding area. The Arun Design Guide is a material consideration. Section J refers to building design and states new development must ensure the existing character and sense of place of an area is respected and enhanced.

ANDP policy H3 states the density should be appropriate to the location but there is no change to the approved density. 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 increase in height to plots 1, 2 & 63 is acceptable and reflects the two-storey nature of the other 68 approved dwellings. Whilst all houses opposite on Lidsey Road are bungalows and those to the south are chalet bungalows, two storey is not inappropriate, and the approved scheme had two storey dwellings along the frontage. The new detailing to ten of the plots is a positive change that does not harm character.

The amended proposal will have no material impact on the character of the area or the appearance of the development and so is not in conflict with the relevant development plan policies or the Design Guide.

INTERNAL 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 changes to plots 1, 2 & 63 have reduced the associated floor areas (now 79.9m², 80.45m² & 80.45m²) but these are still in the tolerances of the national space standards which requires 79m² for a two storey, two bed, four-person house. Due to the change in footprint (and some alterations to the parking layout for plots 1 & 2), there is a greater amount of garden to all three plots.

CONDITIONS:

The original permission has not yet been implemented but many of the conditions have been discharged or are subject to current applications. The following changes have been made to the previous conditions, as set out below:

- Condition 1 is amended to reflect that the permission is to commence 3 years from the date of the decision on the original permission ref AL/20/21/PL.
- Condition 2 is amended (as requested) to reference the amendments to the agreed plans as proposed by this application.
- Condition 4 has been amended to reference the Biodiversity Enhancement Strategy agreed through AL/33/22/DOC.
- Condition 5 has been amended (as requested) to reflect the changes to the construction hours.
- Condition 6 has been amended to reference the hedgerow mitigation strategy agreed through AL/21/22/DOC.

- Conditions 7 & 8 have been amended to reflect the fact that the tree protection measures have already been implemented and agreed by the Tree Officer. These conditions have then been combined into one condition (the condition is now numbered condition 7).
- Condition 9 has been amended to reference the energy reduction details agreed through AL/25/22/DOC (now numbered 8).
- Condition 13 has been deleted as archaeological survey work has taken place and the condition was discharged with the agreement of the council's archaeologist through AL/22/22/DOC.
- Condition 14 has been amended to reference the Construction & Environmental Management Plan as approved through application ref AL/23/22/DOC and to be amended prior to the committee meeting by the approval of AL/77/22/DOC (now numbered 12).
- Condition 15 has been amended to reference the agreed foul drainage scheme as approved through AL/27/22/DOC (now numbered 13).
- Condition 17 has been amended to reference the part approval of the contamination condition by way of AL/30/22/DOC) with only the verification report outstanding (now numbered 15).
- Condition 18 has been amended to reference the agreed internal noise mitigation measures as approved through AL/45/22/DOC (now numbered 16); and
- Condition 21 has been amended to reference the agreed materials as approved by AL/45/22/DOC (now numbered 19).

No new conditions have been imposed.

SUMMARY:

The scheme as amended will not result in any demonstrable harm to the local streetscape or the visual amenities of the locality and there will be no significant harm to the amenities of nearby residential properties or the living conditions of future occupiers. The impact to bats associated with the proposed change to the working hours condition has been mitigated by the amendment to the agreed Construction Environmental Management Plan. As per the NPPF, para 11(c), development proposals that accord with an up-to-date development plan should be approved without delay. It is therefore recommended that this section 73 planning application be granted subject to the following conditions.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the

following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

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

SECTION 106 DETAILS

The decision will be made in accordance with the s106 agreement completed in connection with AL/20/21/PL and which secured the following obligations. The completed agreement contains a clause that enables it to apply to subsequent variation of condition permissions thus avoiding the need for a Deed of Variation to the existing agreement.

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).

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of the planning permission under AL/20/21/PL (01/03/22).

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 J Access Overview and Visibility Splays;
 2019/6115/002 Rev J Refuse Vehicle Swept Path Analysis;
 2019/6115/003 Rev J Car and Fire Tender Swept Path Analysis;
 2019/6115/004 Rev L Secondary Access Visibility Splay and Hook Lane Cycle Parking;
 2019/6115/005 Rev J Secondary Access Car and Fire Tender Swept Path Analysis;
 2019/6115/006 Rev I Internal Layout Visibility Splays;
 2019/6115/007 Rev K Internal Layout Turning Head Swept Path Analysis;
 2019/6115/008 Rev J Refuse and Car Passing Swept Path Analysis;
 2019/6115/009 Rev K Fire Tender Access Swept Path Analysis;
 2019/6115/010 Rev K Car Parking Swept Path Analysis;
 2019/6115/011 Rev L NMU Offsite Works Overview;
 19-121_0001 Site Location Plan Rev 3;
 19-121_0003 Proposed Block Plan Rev 6;
 19-121_0004 Proposed Site Plan Rev 9;
 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 3;
 19-121_0111 Plans and Elevations Units 3-4 Rev 3;
 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 4;
 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 4;
 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 4;
 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 6;
 19-121_0137 Plans and Elevations Unit 63 Rev 4;
 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;
 Information to Inform a Habitat Regulations Assessment (ref DFA21025V2); and
 The Biodiversity Enhancement Strategy (March 2022) as agreed through AL/33/22/DOC.

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

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 in respect of plots 28/29 & 42-45 in the north-western corner only, 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 The development shall proceed in full accordance with the hedgerow mitigation method strategy (in the form of a letter from Derek Finnie Associates ref DF/THK/LR/MG03, 25/01/22 and accompanying Tree Protection Plan) as approved by AL/21/22/DOC. The development shall 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. The tree protective fencing and ground protection measures that have been implemented on the site and reviewed by our Tree Officer (reference the email to Jonathan Rodwell and Ellie Wilkins dated 06/05/22) must continue to be in place throughout the construction process.

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.

- 8 Unless otherwise agreed in writing, the physical measures identified in the Energy Statement dated 24/01/22 as agreed by AL/25/22/DOC shall be installed and then maintained in good working condition throughout the development.

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.

- 9 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.

- 10 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.

- 11 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.

- 12 The development shall proceed in full accordance with the Construction & Environmental Management Plan approved through application ref AL/23/22/DOC and as amended by the approval of AL/77/22/DOC. This plan shall be in force throughout the construction process.

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.

- 13 Unless otherwise agreed in writing, the development shall proceed in full accordance with the foul drainage scheme approved through application ref AL/27/22/DOC. The drainage scheme shall be implemented in accordance with the approved scheme and permanently retained in good working order in perpetuity.

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.

- 14 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.

- 15 Prior to the commencement of any construction work (or such other date 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 ("Remedial Strategy & Verification Plan - Land off Lidsey Road, Woodgate, Chichester, West Sussex, PO20 3SU", ref GE19228-RSVPv2AP210930, September 2021, as agreed through AL/30/22/DOC) 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.

- 16 Unless otherwise agreed in writing, the development shall proceed in full accordance with the recommendations of the Proposed Residential Development | Land at Wings Nursery, Woodgate | Noise Impact Assessment | Technical Report" (ref R9214-1 Rev 0, 24th March 2022) as agreed through AL/45/22/DOC. As per the report, glazing units in zone 1 shall achieve a minimum acoustic performance of 31 dB RW and ventilators in zone 1 shall achieve a minimum acoustic performance of 33 dB Dn, e, w. In addition, as per section 5.35 of the report, a 1.8 metre close boarded fence must be installed in the gardens of plots 5 & 6.

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

- 17 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.

- 18 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.

- 19 Unless otherwise agreed in writing, the development shall proceed in full accordance with the materials approved through AL/45/22/DOC and these details shall be permanently retained.

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.

- 20 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.

- 21 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.

- 22 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.

- 23 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.

- 24 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.

- 25 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.

- 26 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.

- 27 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.

- 28 No dwelling, hereby approved, shall be occupied until provision for parking and turning of cars associated with that dwelling 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.

- 29 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.

- 30 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.

- 31 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.

- 32 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.

- 33 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.

- 34 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.

- 35 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.

- 36 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.

- 37 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.

- 38 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.

- 39 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.

- 40 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.

- 41 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.

- 42 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.

- 43 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.
- 44 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.
- 45 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.
- 46 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.
- 47 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>.
- 48 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.
- 49 INFORMATIVE: 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.

- 50 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.
- 51 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.
- 52 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.
- 53 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.
- 54 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.