

REPORT UPDATE

Application No: AL/83/16/OUT

Reason for the Update / Changes

Reason for Update/Changes:

An additional neighbour objection has been received but does not add anything to the objections identified on page 55.

The Aldingbourne Neighbourhood Plan passed its referendum on the 18th of October. It will now be subject to formal adoption by the Council at the Full Council Meeting on the 9th of November. The relevant policies have already been considered within this report and it is not considered that the current status of the Neighbourhood Plan alter the recommendation to approve this application.

Page 63 of this report references a legal opinion that has been sought in relation to the recent call in decision by the Secretary of State for the Ford Lane, Yapton development. Unfortunately, this will not be available in time to be reported at the Meeting.

Officers Comment:

There are no changes to the recommendation or to the conditions.

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.

AL/83/16/OUT

Recommendation Report for Outline Consent

REF NO: AL/83/16/OUT

LOCATION: Land south & west of Barnside
& east of pond
Hook Lane Aldingbourne

PROPOSAL: Outline application with all matters reserved for residential development of up to 8No. dwellings & associated works including access, landscaping & open space. This application is a Departure from the development plan. Resubmission of AL/8/16/OUT

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

All matters are reserved. The application is accompanied by an illustrative layout/landscaping drawing.

SITE AREA

0.97 hectares.

report

RESIDENTIAL DEVELOPMENT DENSITY	8.2 dwellings per hectare.
TOPOGRAPHY	The site is generally flat.
TREES	Trees T4 & T5 are to be felled but neither are considered to possess the attributes to be worthy of a TPO.
BOUNDARY TREATMENT	* A line of 4-5m high Fir Trees to the southern boundary; * Low hedge interspersed with trees to the western and eastern boundaries; * 1.9m high brick wall to Barnside's rear garden (no current side boundary to the dwelling itself) * 1.9m high close boarded fence to the northern boundary with "Banff". There is a ditch just beyond the hedge at the edge of the field (western boundary).
SITE CHARACTERISTICS	The site has an access from Hook Lane. The site comprises a mix of open mown grassed areas and 6 no. single storey timber/block work barns. There is a pond in the south west corner.
CHARACTER OF LOCALITY	The site lies to the West of Hook Lane which has some residential development fronting on to it. There is a horticultural nursery with reservoir to the south, the land to the west is agricultural. Barnside has rear first floor windows which face west and south. It has a 1.5 storey sun room to the rear and a side facing first floor narrow window. The next property to the North is "Banff" and has a first floor rear window but views of it are obscured by trees along the boundary.

RELEVANT SITE HISTORY

AL/32/13/	Construct vehicle access from Hook Lane previously permitted under AL/24/02	Approved Conditionally 04-07-2013
AL/39/13/	Outline application for the proposed demolition of Oakdene and all other structures within this site and the erection of a residential development of up to 79 dwellings, public open space, children's play areas,	Refused 14-02-2014 <i>Appealed</i> Appeal:

landscaping, drainage measures and all other associated works (means of access into the site to be considered, appearance landscaping, layout, scale and access within the site to be reserved) - This is a Departure from the Development Plan

Allowed+Conditions
23 02 2015

AL/8/16/OUT	Outline application with all matters reserved for a residential development of up to 14 No. dwellings & associated works including access, landscaping & open space. This application is a Departure from the Development Plan.	Refused	
		16-05-2016	<i>Appealed</i>

Planning permission was granted in July 2013 for a new access into the site following a lapsed permission from 2002. The 2013 permission expired on the 5th of July 2016.

AL/8/16/OUT sought outline permission for a development of 14 dwellings on this site. It was refused in May 2016 for the following four reasons:

(1) The proposal would constitute an unsatisfactory form of development and an over-intensive use of the site which would adversely affect the existing low density & semi-rural character of Hook Lane contrary to policy GEN7 of the Arun District Local Plan (2003), policy D DM1 of the Arun Local Plan 2011 - 2031 (Publication Version), policies H1 & H3 of the Emerging Aldingbourne Neighbourhood Plan and the good design principles in the National Planning Policy Framework.

(2) In the absence of a signed Section 106 legal agreement, the proposed development makes no contribution towards affordable housing provision and is thereby contrary to the aims and objectives of policy H SP2 of the Arun Local Plan 2011-2031 (Publication Version) and the Council's Interim Affordable Housing policy adopted on the 18th August 2010;

(3) In the absence of a signed Section 106 legal agreement, the proposed development makes no contribution towards public open space or children's play equipment and is thereby contrary to the aims and objectives of policy GEN20 and the related Supplementary Planning Guidance of the Arun District Local Plan; and

(4) In the absence of a signed Section 106 legal agreement, the proposed development makes no contribution towards local infrastructure and is thereby contrary to policy GEN8 of the Arun District Local Plan, policy INF SP1 of the Arun Local Plan 2011-2031 (Publication Version) and the National Planning Policy Framework.

This is now the subject of an appeal with a Hearing to take place on the 7/12/2016. The applicant has now agreed to the Section 106 Agreement so that the only outstanding issue is refusal reason 1.

Regard should be had to AL/39/13 which granted outline consent for 79 dwellings on land between Hook Lane and Westergate Street. The entrance to this site is almost opposite the site access.

REPRESENTATIONS

Representations received:

Aldingbourne Parish Council

"Objection:

1. Outside settlement boundary
2. Contrary to policies in the emerging Aldingbourne NDP (referendum date 18/10/16)
3. Not sustainable - over reliance on car for mode of travel
4. Additional traffic movements generated will be detrimental to quite nature of existing Lane and contrary to the community desire for this areas to be designated as a quiet Lane.
5. Contrary to the NDP dark skies policy
6. Contrary to the NDP policy on protecting agricultural land
7. Contrary to policy EH7.3 safeguarding the countryside and protected species in this designated biodiversity corridor."

In addition, 19 letters of objection have been received raising the following concerns:

- (1) High density urban style development out of keeping with the scattered rural nature of the area;
- (2) Conflicts with NPPF Sustainability test;
- (3) Outside the settlement boundary and a departure from the Local Plan;
- (4) Hook Lane is unsuitable in highway safety/convenience terms for any more houses - in terms of its narrowness, no footpaths, damaged road edges, traffic speeds, traffic build up back from the A29 junction/level crossing;
- (5) Unsustainable location - no footpaths, cycle paths, limited bus services, no bus stops in walking distance;
- (6) Increased surface water flooding particularly as the land already floods;
- (7) Local Doctors & Schools are struggling to cope with all the new houses;
- (8) Relationship of this site to the proposed site opposite - highway impact;
- (9) Loss of wildlife/wildlife habitat including Great Crested Newts, Bats;
- (10) Contravenes the Neighbourhood Plan; and
- (11) Aldingbourne NP originally promoted 30 dwellings and 79 have since been approved on land east of Hook Lane - is there a need for a further 8?

Comments on Representations received:

Regarding point 7 of the Parish Council comments, the policy reference has changed and is now EH2.

In respect of agricultural land, although as according to DEFRA's Magic Mapping (Agricultural Land Classification - Provisional (England)), the site is located in an area designated as Grade 2, the land itself is not being used for farming and there is no reasonable prospect that it will in the future be farmed. It is not therefore considered that a refusal could be sustained on these grounds.

In respect of comments about local infrastructure, there is no provision within the development plan to seek contributions on schemes of this size for improving hospitals or doctors. As the number of dwellings falls below 10, it is not possible to seek education contributions. A contribution will be sought in respect of public open space/play facilities.

The report's Conclusions section will deal with the other issues raised.

A report update will be available regarding the result of the Aldingbourne NDP referendum.

CONSULTATIONS

WSCC Strategic Planning
Ecology Advisor
Planning and Housing Strategy
Environmental Health
Arboriculturist
WSCC Strategic Planning
Highways England
Engineers (Drainage)
Surface Water Drainage Team
Parks and Landscapes
Southern Water Planning
Engineering Services Manager

Consultations responses received:

HIGHWAYS ENGLAND - No objection.

SOUTHERN WATER - No objection. Request an informative regarding connections to the local sewer system and a condition on foul and surface water drainage.

WSCC HIGHWAYS - WSCC Highways conclude that:

"The LHA does not consider that the proposal would have 'severe' impact on the operation of the highway network, therefore is not contrary to the NPPF (para 32), and that there are no transport grounds to resist the proposal"

Their full comments are as follows:

"Background

The proposal seeks Outline planning permission for access only for up to 8 residential dwellings. An application was submitted earlier in 2016 under A/8/16/OUT for up to 14 dwellings which WSCC in its role of LHA (Local Highway Authority) raised no objections to. This application was refused by the LHA and is currently subject to a planning appeal. The proposal is supported by Transport Statement (TS) including TRICS Data and a Speed Survey. A copy of the previously undertaken Stage 1 Road Safety Audit (RSA) is also included within the TS. The proposal will access onto Hook Lane a 30 mph "C" Class road, which then links to the A29, (Westergate Street), which is also subject to a 30 mph limit.

Access, Visibility and Stage 1 RSA

An existing access permitted in 2013 will provide access to the site from Hook Lane; this will serve the proposed development. As the site accesses onto a "C" class road with a speed restriction of 30mph, it would be appropriate for the development to be considered alongside Manual for Streets (MfS) guidance. A speed survey has been undertaken in support of the proposals, speeds of 32 mph and 33 mph were recorded north and southbound respectively.

The proposed visibility splays, taken from a setback of 2.4m, extend 47 metres to the north and 49 metres to the south. The splays provided are considered acceptable for the development with the speed survey taken into account. MfS does provide some allowance for occasional on-street parking within the visibility splay and it would appear that in this area, where most properties have some sort of off-street parking facility, that there is not an extensive demand for on-street parking in the local vicinity.

The LHA have reviewed data supplied to WSCC by Sussex Police over a period of the last 3 years. There have been no recorded injury accidents in the vicinity of the proposed site access onto Hook Lane. There is no evidence to suggest that the road is operating unsafely, or that the proposed would exacerbate an existing safety concern.

The previous application requested an RSA this was completed in accordance with adopted WSCC policy. The RSA rose a number of points however all of these were resolved via the Designer. The LHA provided detail of this in our response to the LHA from 13th May 2016.

In conclusion following the RSA and Designers Response the principle of the access is acceptable. The works for the access would be subject to a Section 278 Agreement with WSCC's Implementation Team.

Trip Generation

The TS provided in support of this application include an estimate of potential vehicular trip generation arising from this proposal; these have been revised from the previous application to reflect the change in the number of dwellings. These estimates are based upon TRICS data. The sites used are considered to be comparable in terms of planning use class and location to that proposed. As such the trip rate generated still provides a useful indication likely trip generation from the new dwellings. It is recognised that this proposal would give rise to a more intensive use of Hook Lane and the junction of the A29. However an additional 36 trips per day that the proposal will generate is not anticipated to result in any highway capacity concerns.

Parking and Layout

Whilst it is acknowledged that permission for the sites layout is not sought, there are no initial concerns with the indicative layout. Parking provision is stated as meeting the requirements of the WSCC Parking Demand Calculator (PDC); the parking allocation should be in accordance with the demand from the PDC. The TS demonstrates that large vehicles are able to enter and exit the site in forward gear and although this requires the crossing of the carriageway centre point, such movement would be acceptable given the infrequent nature and low volume of traffic.

Sustainability

The LHA acknowledge that whilst there is a limited range of services and facilities within the immediate vicinity; other services that are available are within reasonable walking and cycling distance of the development when assessed against current guidance for the provision of journeys on foot. Opportunities to travel by passenger transport are limited.

Outside of the site the LHA accept that traffic conditions within the local area are conducive for walking and cycling. There is however a very limited range of services and facilities within the local area that could be reached by these modes. Notably, the only facility that could be used to meet some day to day needs is the Aldingbourne store/post office on the A29 at the junction with Hook Lane. This would not though meet all needs and travel to a larger retail store would be necessary. There are otherwise no notable employment, retail or health provisions within the village or the surrounds that could reasonably be reached on foot.

There is no dedicated cycle infrastructure or off road cycle routes located along this section of the A29 in Aldingbourne. The light traffic conditions may facilitate cycle movements along Hook Lane; however the narrow carriageways and potential of vehicle/cyclist conflict may make some routes unattractive. Journeys to wider services and employment centres of Bognor Regis and

Barnham would be mainly along the A29 and B2233 and are not conducive to safe cycling due to higher speed limits, traffic volumes and road layout.

The NPPF states plans and decisions should take account of whether opportunities for sustainable transport modes have been taken up depending on the nature and location of the site. In this respect, the site is located within a reasonable walking distance of the village store and passenger transport infrastructure. Para 29 of the NPPF also states that the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. Whilst para 29 goes on to say that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas, residents of the proposed development would inevitably still be reliant upon the use of the private car for the significant majority of daily trips, however it is recognised that this is a small scale development intended to be provide for local housing needs.

The previous 3 years personal injury accident data has been checked and this indicates no accidents have been recorded that involve pedestrians or cyclists within along Hook Lane. There is no evidence to suggest that the existing arrangements for pedestrians are inadequate or result in safety issues.

The Planning Authority should give suitable consideration to and consider on balance the matters of sustainable access along with other associated matters in deciding this proposal."

Conditions are recommended in respect of the access, a Construction Management Plan, updated Safety Audit and Visibility.

CHICHESTER DC ENVIRONMENTAL MANAGEMENT - no response received. Comments on the previous application, AL/8/16/OUT, were that:

"Bats

As a precautionary approach demolition of the outbuildings should be undertaken by hand with careful stripping of the internal and external roof space in the presence of a suitably qualified ecologist. If a bat is found all works must stop and Natural England consulted. This work should only take place between October and March.

The hedgerows on site are used by bats for commuting and foraging and will need to be retained and enhanced for bats. This will include having a buffer strip around the hedgerows (5m) and during construction fencing should be used to ensure this area is undisturbed. Any gaps should also be filled in using native hedge species to improve connectivity. Where any hedge is to be removed at detailed within the survey, new hedgerow should be planted. Conditions should be used to ensure this.

The lighting scheme for the site will need to take into consideration the presence of bats in the local area and the scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding.

Great Crested Newts

Following the surveys undertaken on the site and surrounding ponds (where feasible) there is evidence that GCN are active and breeding within the pond on site and would be using the

terrestrial habitat onsite. Due to this, extensive mitigation has been proposed within the Ecological Appraisal Jan 2016. We are happy with the proposed mitigation and for it to be conditioned. The application should be aware that a Natural England Species Licence will be required for these works.

Nesting Birds

Any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season which takes place between 1st March - 1st October. If works are required within this time an ecologist will need to check the site before any works take place (with 24 hours of any work)."

ADC DRAINAGE - No objection: "Conditions ENGD2A, ENGD4A, ENGD5A and ENGD6A required."

ADC GREENSPACE - No objection. Request conditions re tree protection and landscaping.

ADC ENVIRONMENTAL HEALTH - No objection: "Please could you apply conditions ENV 3, 5 and 6 below to any approval, and also put a restriction on working hours to: 8am - 6pm Monday to Friday, 8am - 1pm on Saturdays & No working on Sundays or Public Holidays.

ADC ARBORICULTURALIST - Object on the grounds that the applicant has not provided an Arboricultural Method Statement & Tree Protection Plan.

Comments on Consultation responses:

ADC ENVIRONMENTAL HEALTH - Noted. Given the size of the site and the number of people potentially affected, it is not considered reasonable to control the working hours of the construction period.

ADC ARBORICULTURALIST - The applicant has provided the requested documents but no response has been received from the Tree Officer. A suitable condition would protect the remaining trees.

All other consultee comments noted.

POLICY CONTEXT

Designations applicable to site:

Outside of the Built Up Area Boundary; and
Class C Road.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	<u>GEN3</u>	Protection of the Countryside
	<u>GEN7</u>	The Form of New Development
	<u>GEN9</u>	Foul and Surface Water Drainage
	<u>GEN11</u>	Inland Flooding
	<u>GEN12</u>	Parking in New Development
	<u>GEN20</u>	Provision of Public Open Space within New Development
	<u>GEN28</u>	Trees and Woodlands
	<u>GEN29</u>	Nature and Conservation Across the District

Publication Version of the Local Plan (October 2014):	<u>GEN32</u>	Noise Pollution
	<u>GEN33</u>	Light Pollution
		C SP1 Countryside
		D DM1 Aspects of Form and Design Quality
		D DM3 External Space Standards
		D SP1 Design
		ECC SP2 Energy and climate change mitigation
		ENV DM4 Protection of Trees
		ENV DM5 Development and Biodiversity
		H DM1 Housing Mix
		LAN DM1 Protection of Landscape Character
		OSR DM1 Open Space, Sport and Recreation
		QE DM1 Noise Pollution
		QE DM2 Light Pollution
		T SP1 Transport and Development
		W DM2 Flood Risk
		W DM3 Sustainable Urban Drainage
Aldingbourne Neighbourhood Plan 2016 POLICY EH1		Resist development outside
Aldingbourne Neighbourhood Plan 2016 POLICY EH2		Support adjacent to biodiversity corridors only if demonstrate no harm.
Aldingbourne Neighbourhood Plan 2016 POLICY EH5		Green infrastructure and Ecosystem services Development in Flood risk areas will not be supported unless...
Aldingbourne Neighbourhood Plan 2016 POLICY EH6		Surface Water Management
Aldingbourne Neighbourhood Plan 2016 POLICY EH10		Protection of trees and hedgerows
Aldingbourne Neighbourhood Plan 2016 POLICY EH11		Unlit village status
Aldingbourne Neighbourhood Plan 2016 POLICY GA1		Flint walls
Aldingbourne Neighbourhood Plan 2016 POLICY GA2		Promoting Sustainable movement
Aldingbourne Neighbourhood Plan 2016 POLICY GA3		Footpath and cycle network
Aldingbourne Neighbourhood Plan 2016 POLICY H1		Parking and new development
Aldingbourne Neighbourhood Plan 2016 POLICY H2		New housing or altering dwellings
		Quality of Design
		Range of house types
		Housing Mix

Aldingbourne Neighbourhood Plan 2016 POLICY H3	Housing density
Aldingbourne Neighbourhood Plan 2016 POLICY H8	Dwellings must have adequate private or shared amenity.
Aldingbourne Neighbourhood Plan 2016 POLICY H9	Outdoor space Items to consider e.g. - bin stores Attention to detail

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE

SPD1	Open Space & Recreation Standards
------	-----------------------------------

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

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

The Aldingbourne NDP is at an advanced stage having been through Examination (August 2016), having published its Submission Plan with post Examination modifications (September 2016) and having set a date for the referendum (18/10/2016). It is likely that the ANDP will have been made by the time of the Committee. The relevant policies have been considered in determining this application.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

Although the site lies outside of the built up area boundary, it is considered to be sustainable development having regard to the NPPF and it is not considered that there would be any harm to the character of the area as a result of this reduced scheme.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE:

The site lies in a countryside location outside the built-up boundary where the principle of development is considered unacceptable. Development Plan policies seek to exert a strict control over new development in the countryside to protect it for its own sake. Development will only be permitted if the criteria set out are met or where there is a strong justification for a countryside location. The Government's planning advice indicates that planning authorities should continue to ensure that the quality and character of the wider countryside is protected, and where possible enhanced.

The site is outside of the built up area of Aldingbourne in a location that not allocated for housing. In the Publication Version of the Local Plan (2014), policy H SP1 establishes strategic housing, parish and town allocations. This policy states that there will be a site specific allocation of at least 2000 homes on land between Barnham, Eastergate and Westergate.

The soon to be made ANDP does not allocate any land for housing. This is as a result of recommendations made by the Independent Examiner into the first version of the Plan which were that there was no need for housing allocations as recent planning permissions had satisfied the housing targets for the Parish.

Notwithstanding, the Council is unable to demonstrate an adequate 5 year supply of housing land

as required by paragraph 49 of the NPPF. Furthermore, the Examination into the emerging Local Plan was suspended by the Planning Inspector on the grounds that the Council's Objectively Assessed Housing Need (OAN) should be reviewed higher than that proposed in the Local Plan (580 units p.a). The Council will therefore need to identify more suitable land supply to meet additional housing requirements. The OAN figure has now been increased to 919 units p.a as of October 2016. Additional strategic sites are being assessed and allocated to meet this higher figure.

The NPPG has provided clear guidance on the issue of the weight that can be given to both the adopted local plan and emerging or made Neighbourhood Plans where the District Council cannot demonstrate the 5 year supply of deliverable housing sites. Therefore the adopted development plan policies relating to housing supply are out of date and the emerging Local Plan policies carry limited weight at this time. The relevant policies for the supply of housing in the ANDP, including the village development boundary, should also not be considered up to date as they do not reflect the Council's updated OAN.

Where the development plan is absent, silent or the relevant policies are out of date, paragraph 14 of the NPPF states that the presumption in favour of sustainable development requires the granting of planning permission, 'unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits'. Furthermore, paragraph 49 states that:

"Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites"

The Secretary of State decision in relation to Land to the South of Ford Lane, East of North End Road, should be noted (APP/C3810/A/14/2228260). In the decision, the Secretary of State disagreed with the appeal Inspector's conclusions that the appeal be allowed and planning permission be granted. The proposal was for 100 dwellings on land outside the built up area boundary in the made Yapton NP. The decision appears to run contrary to the advice in the NPPG referenced above; that the housing policies of a NP should not be considered up to date where there is no demonstrable 5 year housing land supply. ADC are seeking legal advice on the implications of this decision for similar sites outside the built up area boundary of made NP. Although the ANDP is not yet 'made', the decision may have implications for this site when it is. It is hoped an update will be available at the meeting to inform members of the outcome of this legal advice.

SUSTAINABLE LOCATION:

The nearest bus stops are on the A29 Westergate Street (walking distance of 545-575m). The nearest shop is the Aldingbourne Post Office/Store which is a similar walking distance. The Prince of Wales pub is around 630m away. There is a primary school in Aldingbourne which is presently a walk of 780m via Hook Lane or 636m via the footpaths between Hook Lane, Lamorna Gardens and the A29. These distances are considered to be within an acceptable range.

All of these routes necessitate walking along Hook Lane which has no pavement beyond the nursery access to the south of the application site. The development will partially improve this aspect by providing a footpath along its frontage and it is noted that there is a wider verge to the

frontage of the nursery such that it would be possible to walk off the road between the site access and the start of the pavement.

The response of WSCC Highways goes into some detail regarding the accessibility of the site. Their comments are set out in the Consultations section but in summary, although they note the shortcomings of the site, they consider that this is a small scale development and only seeks to provide for local needs.

Regard should be had to the appeal decision concerning the site opposite (AL/39/13, PINS Ref APP/C3810/A/14/2220943). This site is between Hook Lane & Westergate Street and although there is direct footpath access to/from Westergate Street, it's road access is from Hook Lane only a very short distance from this site.

In that decision, the Inspector agreed that the local bus service is not good enough and the opportunities for using public transport would be limited. However, she went on to conclude that "... whilst some of the occupants of the new development would be likely to use the private car for journeys to the main employment and retail locations, these journeys would be relatively short and, whilst not ideal, the location of the site would not be so unsustainable as to warrant refusal of planning permission for this reason alone".

Although it is true that the appeal proposals had included measures to improve the footpath link between Hook Lane and Westergate Street, it follows that residents of the site will benefit from this improved footpath, particularly as the entrance to the footpath is about 130m from the footpath start.

It is not considered that a refusal on sustainability of location grounds can be supported.

NPPF TEST ON SUSTAINABILITY:

Paragraph 7 of the NPPF sets out the three dimensions to sustainable development - the economic, social and environmental roles. It is considered that the proposals meet this definition in that new housing will (1) increase Council Tax receipts; (2) provide for jobs during the construction stage; (3) support the local community by providing housing to meet future needs; (4) provide new infrastructure to improve pedestrian facilities on Hook Lane; (5) retain the on-site pond; and (6) as demonstrated elsewhere in this report, not have an adverse effect on protected wildlife species or on flooding/drainage concerns. As noted above, the location is not considered to be unsustainable.

CHARACTER & DESIGN:

It is noted that although the appeal application is in outline and does not seek approval of layout, given the size of the site and the number of dwellings proposed, it is highly likely that any future scheme seeking to accommodate 8 dwellings as well as open space, parking, roads, access, a retained pond and landscaping is likely to adopt a very similar form.

The existing character of this section of Hook Lane (this section being defined as the straight section between the northern and southern bends and being the extent of views taken from the front of the appeal site) is of residential dwellings fronting onto Hook Lane with deep rear gardens together with the more open land currently associated with the application site and the

horticultural nursery site to the south of it. This low density form of development is appropriate given that this is an edge of settlement semi-rural area. It is considered there are no current instances of backland development within this section of Hook Lane.

It was considered that the previous scheme of 14 dwellings was unacceptable by reason of (a) it being backland development, (b) the loss of an open area of land which contributes to the semi-rural character of the Lane; (c) the urbanising effect on the street; and (d) the amount of dwellings proposed compared to the existing low density nature of the area.

Given the dwellings located on the eastern side of Hook Lane, it would not be possible, to argue that the row of dwellings fronting the road are out of character with the area. The illustrative scheme presents dwellings which are set back from the road, have deep rear gardens and which are relatively spaciouly sited with respect to boundaries. Although the loss of this area will affect the semi-rural character of Hook Lane, the scheme has been designed to match with the character of the existing houses opposite.

Although the three houses in the rear part of the site do represent backland development and are therefore out of character with Hook Lane, it is considered that these are acceptable having regard to the existing location of outbuildings within the rear part of the site. Furthermore, these three houses will be well set back from Hook Lane and with the addition of a good landscaping scheme, will not be particularly visible to pedestrian views from Hook Lane. It is not considered that the backland nature of these three dwellings is harmful to the character and appearance of the area.

The scheme now preserves part of the existing open space and together with the pond (which was always going to be retained) will form an attractive public amenity space/wildlife habitat.

RESIDENTIAL AMENITY:

It is not possible to properly assess the residential amenity implications of the proposed layout due to the lack of elevation or floor plan drawings. Such an assessment would take place at the reserved matters application stage. It would appear that the dwellings on the illustrative layout are far enough away from existing dwellings (Barnside & Banff) to preserve their privacy and not result in any adverse loss of light issues. It is noted that Banff is currently protected by boundary planting such that only glimpsed views are possible from within the application site. The only exception might be the treatment of the northern flank elevation of Plot H01 but this could be mitigated though appropriate fenestration conditions.

HIGHWAY SAFETY, CONVENIENCE & PARKING

The applicants have provided a Road Safety Audit (RSA) & Designers Response and this has been assessed by WSCC Highways. As a result, Highways do not have any objections to the use of the access and do not consider that the impact of the proposals on the operation of the highway network will be extreme. The application is therefore considered to comply with the NPPF para 32.

With regard to the objections of local residents, it is noted that WSCC Highways do not raise any specific objections to the suitability of Hook Lane, its width, lack of footpaths, road edges, traffic speeds or existing levels of congestion. WSCC do not consider that the trip generation

associated with the proposal will result in a severe impact to existing highway capacity levels. The application proposes a new length of pedestrian footpath along the site frontage and this will be a benefit to pedestrians using this section of Hook Lane.

In terms of car parking, WSCC comment that the layout as presented is likely to provide an acceptable level of car parking. In respect of those houses that will have access directly from Hook Lane, it is noted that they all have driveways capable of allowing for the parking of 1 car. It is expected then that these houses would have integrated garages. It is likely that 2 spaces would be sufficient to meet the anticipated demand.

FLOODING & SURFACE WATER DRAINAGE:

It is noted that a number of residents consider that the proposals will increase surface water flooding at or adjacent to the site. In terms of flood risk, the site lies within a low risk zone (Flood Zone 1) and given that the site area is less than a hectare, there was no statutory requirement for the submission of a Flood Risk Assessment - and therefore, no EA involvement.

ADC Drainage Engineers do not raise any objection to the scheme. Conditions are recommended to ensure that the site is satisfactorily drained. On this basis, it is not considered that a refusal on these grounds can be sustained.

ECOLOGY:

This site borders open countryside and contains an existing pond. The western boundary to the field is formed by a part hedgerow, part trees and with a ditch on the other side. The ANDP designates this field boundary as part of a biodiversity corridor. It is considered there is potential for wildlife species to either be residing within the site or using the western boundary as a route through the area.

The application acknowledges these issues and includes an Ecological Appraisal which provides an extensive mitigation strategy for Great Crested Newts. The Councils ecologist has assessed these documents and finds no reason to object. Conditions would be required to enforce the mitigation measures and to protect bats and nesting birds. There is no evidence for use of the site by Water voles, dormice or other protected species. It should be noted that the biodiversity corridor will not be affected by the development in that existing landscaping and pond will be retained.

INTERNAL & EXTERNAL SPACE STANDARDS:

It is not considered possible to assess the internal space standards with this outline application. This is because the application is not accompanied by any floor plans.

In respect of external standards, it is necessary to have regard to D DM3 of the Emerging Local Plan (publication version) which has been approved by the Council for development management purposes. The requirement for detached dwellings is for rear gardens of at least 10m deep and an area of either 85m² (1-3 bedrooms) or 100m² (4 or more bedrooms). Given the layout is illustrative only it has not been checked in detail. However, all of the gardens are at least 10m deep and it is likely that the scheme as supplied will comply with these standards.

SECTION 106 DETAILS:

This decision will be subject to a Section 106 legal agreement relating to a contribution of £8,000 towards off-site public open space/play facilities. This will be spent at Oliver's Meadow.

SUMMARY:

The Council acknowledges that it cannot demonstrate a 5-year housing land supply and, accordingly, despite the status of the Aldingbourne Neighbourhood Development Plan, that a housing proposal which would be sustainable development should be granted planning permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. It is considered that the application meets the NPPF test of sustainable development. Unlike the previous application, this proposal is considered to be acceptable in character terms such that there are not considered to be any adverse impacts to consider.

The application requires a Section 106 legal agreement in respect of a contribution towards public open space/local play. This is currently in the process of being drafted but at the time of writing is not yet complete. The recommendation to approve is therefore made subject to the completion of the legal agreement. If the S.106 legal agreement has not been signed within 2 months of the date of the resolution to approve then the application should be refused for the following reason:

"The development makes no contribution towards public open space or children's play equipment and is thereby contrary to the aims and objectives of Policy GEN20 and the Supplementary Planning Guidance of the Arun District Local Plan".

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

RECOMMENDATION

APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT

- 1 The permission hereby granted is an outline permission under s92 of the Town and Country Planning Act 1990 (as amended) and an application for the approval of the Local Planning Authority to the following matters must be made not later than the expiration of 3 years beginning with the date of this permission:-

- (a) Layout;
- (b) Scale;
- (c) Appearance;
- (d) Access;
- (e) Landscaping.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be begun either before the expiration of 5 years from the date of this permission, or before expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

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

Site Location Plan as Existing ref 1265-X01 Rev C;
Topographical Survey as Existing & Demolition ref 1265-X02 Rev C;
Illustrative Site Layout as Proposed ref 1265-P11 Rev F;
Drainage Strategy ref 15074-01 Rev B;
Tree Protection Plan Phase 1 ref B/1030/16; and
Tree Protection Plan Phase 2 ref B/1030/16.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

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

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,

- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- measures to control the emission of dust and dirt during demolition and construction, lighting for construction and security,
- details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area in accordance with Arun District Local Plan policy GEN7 and the National Planning Policy Framework. It is considered necessary for this to be a pre-commencement condition because the purpose of the condition is to mitigate the impact of construction.

- 5 No development shall commence until such time as revised plans and details incorporating the recommendations given in the Stage 1 Road Safety Audit and accepted in the Designers Response have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason: In the interests of road safety and in accordance with Arun District Local Plan policy GEN7 and the National Planning Policy Framework. It is considered necessary for this to be a pre-commencement condition because road safety is at the heart of the planning permission.

- 6 Development shall not commence until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority.

The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, the recommendations of the SUDS Manual produced by CIRIA.

Winter groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage.

No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan. It is considered necessary for this to be a pre-commencement condition because it would not be possible to implement a surface drainage scheme once development had commenced.

- 7 The development shall not proceed until formal consent has been approved in writing from the Lead Local Flood Authority (WSCC) or its agent (ADC) for the discharge of any flows to watercourses, or the culverting, diversion, infilling or obstruction of any watercourse on the site.

Any discharge to a watercourse must be at a rate no greater than the pre-development run off values.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan. It is considered necessary for this to be a pre-commencement condition because it would not be possible to implement a surface drainage scheme once development had commenced.

- 8 Development shall not commence until full details of the maintenance and management of the SuDS 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 (a) details of financial management of the site including arrangements made in the event that the management company (or any subsequent management company) is no longer able to fulfil its duties; and (b) arrangements for the replacement of major components at the end of the manufacturers recommended design life.

Reason: To ensure the efficient maintenance and on-going operation of the SuDS system and to ensure the best practice in line with guidance set out in 'The SuDS Manual' CIRIA publication ref: C753 Chapter 32. It is considered necessary for this to be a pre-commencement condition because surface water drainage goes to the heart of the planning permission.

- 9 The development layout shall not be agreed until such time that arrangements for the future access and maintenance of any watercourse or culvert (piped watercourse) crossing or abutting the site has been submitted and approved in writing by the Local Planning Authority.

No construction is permitted, which will restrict current and future land owners from undertaking their riparian maintenance responsibilities of any watercourse on or adjacent to the site.

Reason: 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 because surface water drainage goes to the heart of the planning permission.

- 10 Construction of the development shall not commence unless and until details of the proposed means of foul sewerage disposal has been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water. The scheme as approved shall be implemented prior to the first occupation of the dwellings and maintained in good working order.

Reason: To ensure that the proposed development has a satisfactory means of disposing of foul sewerage in accordance with policy GEN9 of the Arun District Council Local Plan. It is considered necessary for this to be a pre-commencement condition because it would not be possible to implement a foul drainage scheme once development had commenced.

- 11 Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), 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.

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 District Local Plan policy GEN7. It is considered necessary for this to be a pre-commencement condition because contamination goes to the heart of the planning permission.

- 12 No development shall take place within the area indicated until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.

Reason: The site lies in an area of archaeological significance in accordance with Arun District Local Plan Policy GEN7. It is considered necessary for this to be a pre-commencement condition because it would not be possible to carry out archaeological work once development had commenced.

- 13 No development including site access, demolition or associated construction activities, shall take place on the site unless and until the tree retention & protection scheme as contained within the submitted Arboricultural Method Statement by Beechdown (Ref B/0130/16) (September 2016) has been implemented for all retained trees including trees whose root protection areas fall within the construction zone from neighbouring land. All tree protection works shall be in accordance with BS 5837:20012 "Trees in relation to construction"

Reason: To ensure the retention and maintenance of trees and vegetation which are an important feature of the area in accordance with policy GEN7 of the Arun District Local

Plan. It is considered necessary for this to be a pre-commencement condition because otherwise trees might be harmed during the construction process.

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

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

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

Reason: To ensure the efficient maintenance and on-going operation of the SuDS system and to ensure the best practice in line with guidance set out in 'The SuDS Manual' CIRIA publication ref: C753 Chapter 32.

- 15 No part of the development shall be first occupied until such time as the vehicular access has been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of road safety in accordance with policy GEN7 of the Arun District Local Plan and the National Planning Policy Framework.

- 16 No part of the development shall be first occupied until visibility splays of 2.4 metres by 47 to the north and 2.4 by 49 metres to the south have been provided at the proposed site vehicular access onto Hook Lane in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety in accordance with policy GEN7 of the Arun District Local Plan and the National Planning Policy Framework.

- 17 If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

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 District Plan policy GEN7.

- 18 Prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the 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. It shall also include any plan (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 plan, and for the reporting of this to the local planning authority.

Reason: To protect the environment and prevent harm to human health by ensuring that the remediated site has been reclaimed in an appropriate standard in accordance with Arun District Local Plan policy GEN7.

- 19 The development must be carried out in accordance with the recommendations and mitigation measures as set out within sections 4.0 and 5.0 of the FPCR Ecological Appraisal dated July 2016 and also in accordance with the following additional measures as set out in the comments of the Council's Ecologist:

(1) Any works to the trees or clearance of vegetation on the site shall only be undertaken outside of the bird breeding season which takes place between 01 March and 01 October. If works are required within this time then an ecologist shall be instructed to check the site at least 24 hours prior to any works taking place.

(2) Demolition of the outbuildings shall be undertaken by hand with careful stripping of the internal and external roof space in the presence of a suitably qualified ecologist. If any bats are found then all works must stop and Natural England should be consulted. This demolition work should only take place between October and March.

The enhancements and mitigation measures shall be retained and thereafter maintained as fit for purpose.

Reason: In accordance with Arun District Local Plan policy GEN29 and the National Planning Policy Framework.

- 20 No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The scheme should also minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

Reason: In the interests of the amenities of the area, the site biodiversity (particularly in respect of bats) and to minimise unnecessary light spillage outside the development site in accordance with Policies GEN7, GEN29 & GEN33 of the Arun District Local Plan.

- 21 If any root structures with a diameter over 25mm are exposed during the excavation of the foundations for the new dwelling then these should be retained unless otherwise agreed in writing with the Local Planning Authority. Any removal of roots over 25mm in diameter that has been agreed with the Local Planning Authority shall then be carried out under the supervision of the Council's Arboricultural Officer.

Reason: To ensure the retention and maintenance of trees and vegetation which are an

important feature of the area in accordance with policy GEN7 of the Arun District Local Plan.

- 22 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 assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 23 INFORMATIVE: The applicant is advised to enter into a Section 59 Agreement under the 1980 Highways Act, to cover the increase in extraordinary traffic that would result from construction vehicles and to enable the recovery of costs of any potential damage that may result to the public highway as a direct consequence of the construction traffic. The Applicant is advised to contact the Highway Officer (01243 642105) in order to commence this process.
- 24 INFORMATIVE: The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
- 25 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel 033 0303 0119) or www.southernwater.co.uk.
- 26 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 0845 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.
- 27 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.
- 28 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to a contribution of £8,000 towards off-site public open space/play facilities.