Recommendation Report for Planning Permission

REF NO: A/91/18/PL

LOCATION: Merry England Nursery
Dappers Lane
Angmering
BN16 4EN

PROPOSAL: Application for variation of condition following grant of planning permission A/142/16/OUT - Condition 3 - Amend approved access plan & Variation to condition 10 - No houses shall be occupied until the vehicular access and footway serving the development has been constructed in accordance with the approved drawing including all other details of construction.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The Application seeks a variation of condition following grant of planning permission A/142/16/OUT - Condition 3 - To amend the approved access plan. Plan 5804/101 Rev B highlights the access plan as proposed. In addition a variation to condition 10 - No houses shall be occupied until the vehicular access and footway serving the development has been constructed in accordance with the approved drawing including all other details of construction. This is intended to allow for the flexibility in delivering the development allowing for a Pre-occupation rather than a Pre-commencement condition.
SITE AREA	Approximately 1.13 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	Approximately 15.9 dwellings per hectare
TOPOGRAPHY	Predominantly flat.
TREES	The site features a number of trees the majority of which are on the south and west boundaries. The proposed layout has been identified by the Council's Tree Officer as having a limited impact upon the tree stock with a number of trees shown as being retained. It has been identified that no Tree Preservation Order would be required.
BOUNDARY TREATMENT	Predominantly picket fencing, trees and hedging.
SITE CHARACTERISTICS	The site is situated outside of the built up area and occupied by a detached two storey brick dwelling with a tiled roof. To the east of the dwelling is a barn and stables with the north-east corner of the site given over to paddocks. The southern portion is mowed grass.
CHARACTER OF LOCALITY	Semi-rural with limited residential development to the east of Dappers Lane, to the north and south of the site are former

nurseries used largely for commercial purposes with open fields to the east of the site. To the west of Dappers Lane is residential development within the built up area boundary. The area of land abutting the highways west of Drappers Lane and spanning the length from the dwelling namely Westbury to no.28 Drappers Lane is grass verge in the ownership of the WSCC Highways Authority.

RELEVANT SITE HISTORY

A/142/16/OUT	Outline application with some matters reserved for the demolition of existing buildings & erection of 18 No. dwellings and the provision of pedestrian footpath adjacent to Dappers Lane. This application is a Departure from the Development Plan.	App Cond with S106 30-06-17

This application intends to manage the pre-commencement conditions as applied to the approved outline permission for 18 dwellings A/142/16/OUT.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Angmering Parish Council

Raise no objection.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

WSCC Strategic Planning

Highways England

Engineering Services Manager

Engineers (Drainage)

Parks and Landscapes

Arboriculturist

Ecology Advisor

Planning and Housing Strategy

Surface Water Drainage Team

Southern Water Planning

CONSULTATION RESPONSES RECEIVED:

WSCC STRATEGIC PLANNING:
In review of the latest plan, the LHA are satisfied that the wording of the second part of the condition can allow for a formal discharge however it is reminded the proposal would require technical approval (TA) under the S278 Agreement.

HIGHWAYS ENGLAND:
Having examined the revised access plan, with the pedestrian foot path moved from the east of Drapper's Lane to the west. we are satisfied that the amendments will not materially affect the safety, reliability and / or operation of the SRN (the tests set out in DfT C2/13 para 10 and DCLG NPPF para 32) and we offer no objection to the variation of condition. As such, our previous no objection response to application A/142/16/OUT as attached is still applicable.

SOUTHERN WATER: - raise no objection

DRAINAGE OFFICER:
As stated on 06th September 2016 in our original consultation response to A/142/16/OUT there is a watercourse running along Dappers Lane. Any proposals to alter the existing access culvert will require land drainage consent. Any realignment of the ditch to incorporate a footpath along Dappers Lane will also require consent. And the ditch requires maintaining in line with riparian responsibilities.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and relevant conditions incorporated into recommendation report.

POLICY CONTEXT

Designation applicable to site:
Inside Built Area Boundary

DEVELOPMENT PLAN POLICES

TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
SDSP2	SD SP2 Built-up Area Boundary

Angmering Neighbourhood Plan 2014 POLICY TM2 Cycling Walking & Equestrian

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011-31, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Policy T SP1 of the Local Plan relates to the accessing the appropriateness of this proposal, all other policies are included In the outline application A/142/16/OUT.

The Neighbourhood Development Plan

The Angmering Neighbourhood Plan has been made and policy TM2 is considered relevant to the

determination of this application.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal does not comply with the Development Plan in that it proposes residential development outside the village development boundary, however there are other material considerations that justify the officer recommendation to approve the application.

CONCLUSIONS

PRINCIPLE
The Principle of development for the site as housing has been agreed by the outline planning application for 18 units under A/142/16/OUT. In order for the site to progress and agree a pre commencement condition imposed by WSCC Highways, a variation to plan 5894/101 REVB is sort to allow for the site to be linked to the public pedestrian footway (where Drappers Lane meets Merryfield Crescent) to the south is required. This is called as an alternative scheme to that previously proposed. This application looks to provide a variation and seek agreement.

In addition a variation to condition 10 - condition 10 - No houses shall be occupied until the vehicular access and footway serving the development has been constructed in accordance with the approved drawing including all other details of construction. This is intended to allow for the flexibility in delivering the development allowing for a Pre-occupation rather than a Pre-commencement condition.

The main planning consideration is highways safety and if the revised access plan meets the requirements of the Arun Local Plan Policy T SP1 & T DM1. Supporting transport and development which (a) allows for improved access to public transport services and passenger transport services whilst making provision for safe access to highway network and (b) incorporates schemes into the districts green infrastructure network giving priority to pedestrian and cycle movements. In addition to PolicyTM2 of the Angmering Neighbourhood Plan 2014 which supports proposals which increase the network of footways and footpaths and allow for safe and direct route.

HIGHWAY CONSIDERATIONS

WSCC Highways in their consultation response are satisfied that the wording of the second part of the condition can allow for a formal discharge, however, it is reminded the proposal would require technical approval (TA) under the S278 Agreement. In regard to the Highways England having examined the revised access plan, with the pedestrian foot path moved from the east of Drapper's Lane to the west. they are also satisfied that the amendments will not materially affect the safety, reliability and / or operation of the SRN (the tests set out in DfT C2/13 para 10 and DCLG NPPF para 32) Their previous no objection response to application A/142/16/OUT as attached is still applicable.

SUMMARY

The revised access plan and variation to condition 10, is not considered to result in any adverse impacts which significantly or demonstrable outweigh the benefits of the proposed scheme. Therefore, the proposal is considered to accord with relevant development plan policy and is recommended for approval

subject to the below conditions and S106 agreement.

The proposal is in accordance with Arun Local Plan Policy T SP1, T DM1 and TM2 of the Angmering Neighbourhood Plan 2014.

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 for 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 no impacts have been identified upon any protected characteristics.

RECOMMENDATION

APPROVE CONDITIONALLY

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) Appearance; and
(c) 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:

· Location Plan - 0192 Rev B

· Access Plan - 5804/101 Rev B

The below plans are approved in so far as they relate to scale only.

· Proposed Floor Plans - House Type A - dwg. 0192-PL003
· Proposed Sections & Elevations - House Type A - dwg. 0192-PL004
· Proposed Floor Plans - House Type B - dwg. 0192-PL005
· Proposed Sections & Elevations - House Type B - dwg. 0192-PL006
· Proposed Floor Plans - House Type C - dwg. 0192-PL007
· Proposed Sections & Elevations - House Type C - dwg. 0192-PL008
· Proposed Floor Plans - House Type D - dwg. 0192-PL009
· Proposed Sections & Elevations - House Type D - dwg. 0192-PL010
· Proposed Floor Plans - House Type E - dwg. 0192-PL011
· Proposed Sections & Elevations - House Type E - dwg. 0192-PL012

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

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

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

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

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies LAN DM1, of the Arun Council Plan. It is considered necessary for this to be a pre-commencement condition to protect existing watercourses prior to the construction commencing.

5 Immediately following implementation of the approved SuDS scheme 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. There shall be no deviation to the approved scheme other than with the written consent of the Local Planning Authority. The scheme shall thereafter be maintained in perpetuity.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies LAN DM1, of the Arun Council 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.

6 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 LAN DM1, of the Arun Council 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 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 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 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 in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan.

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.

10 No houses shall be occupied until the vehicular access and footway serving the development has been constructed in accordance with the approved planning drawing (5804/101 REVB). Prior to the implementation of the footway hereby approved full details of its construction shall

be submitted to and approved by the Local Planning Authority in consultation with West Sussex County Council.

Reason: In the interests of highway safety and the amenities of the area in accordance with Arun Local Plan policy T SP1 and the National Planning Policy Framework. It is considered necessary for this to be a pre-commencement condition because the condition seeks to ensure access to the development site does not adversely impact upon the amenity of the area.

11 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),
· details of public engagement both prior to and during construction works.

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

12 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 by 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 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 as it relates to a key element of the proposed development.

13 No part of the development shall be first occupied until visibility splays of 2.4 metres by 43 metres have been provided at the proposed site vehicular access onto Dappers 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 highway safety and the amenities of the area in accordance with Arun Local Plan policy T SP1 and the National Planning Policy Framework.

14 No development including site access, demolition or associated construction activities, shall take place on the site unless and until full details of the mitigation/enhancements identified in Sections 4 and 5 of the Ecological Appraisal as well as a timetable of how these are to be implemented has been submitted to and approved by the Local Planning Authority. These mitigation/enhancements should also include details regarding the;

· Provision of 3 bird boxes and 3 bat boxes on mature trees on-site;
· Creation of 3 log piles on-site; and
· Provision of meadow planting on verges in front of the proposed properties.

The approved details shall be implemented in accordance with the approved timetable and retained as operational thereafter, unless otherwise agreed in writing by the local planning authority.

Reason: In accordance with Arun Local Plan policy ENV SP1, ENV DM3, ENV DM5 and the National Planning Policy Framework. It is considered necessary for this to be a pre-commencement condition to prevent damage/harm to the ecology of the site.

15 The features on the buildings suitable for bat roosting, such as tiles, shall be removed by hand prior to demolition. If a bat is discovered during the demolition process works will stop immediately and a consultant ecologist contacted for further advice.

Reason: In accordance with Arun Local Plan policy ENV SP1, ENV DM3, ENV DM5 and the National Planning Policy Framework. It is considered necessary for this to be a pre-commencement condition to prevent damage/harm to the ecology of the site.

16 No 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 D DM1, ENV SP1, ENV DM3, ENV DM5, QE DM2 of the Arun Local Plan.

17 Prior to any demolition or construction works taking place or the introduction of machinery and plant to the site the following issues must be resolved to the complete satisfaction of Arun District Council :-

A pre-commencement Site Meeting is to take place between the Arun DC Tree Officer and the Arboricultural Consultant representing the site owners - at this meeting all protective fencing will be inspected along with ground protection measures - they will be assessed to verify that they are 'Fit for Purpose' as required under British Standard 5837:2012 and have been erected and positioned exactly as shown on the Tree Protection Plan PJC/3928/16/C Rev 01 02/06/2016 1:500 @ A3.

· A schedule of Site Monitoring/Supervision visits and Reporting Procedures prepared by an Arboricultural Expert will be required and their extent will be agreed on at the site meeting to the satisfaction of the Arun DC Tree Officer.

· 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.

Reason: To comply with BS5837 and to ensure that retained trees are afforded due respect and appropriate levels of protection such that their on-going health and vitality is not compromised and they can continue to enhance the landscape and amenity of the area. It is considered necessary for this to be a pre-commencement condition to ensure that the trees on site are not irreversibly harmed in accordance with the NPPF.

18 If any root structures with a diameter over 25mm are exposed during the excavation of the foundations for the dwellings herby approved 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 is an important feature of the area in accordance with sound arboricultural practice in accordance with the NPPF.

19 All demolition & construction works are to be carried out in strict accordance with :- 'PJC Consultancy Arboricultural Impact Statement Report Ref: PJC 3928/16-02- 3rd June 2016' and 'Tree Protection Plan ref: PJC/3928/16/C Rev 01 02/06/2016 1:500 @ A3'.

Reason: To ensure the retention and maintenance of trees and vegetation; which is an important feature of the area in accordance with sound arboricultural practice in accordance with the NPPF.

20 The avoidance strategy for hedgehogs identified in the letter dated the '14th October 2016' from 'the ecology partnership' shall be adopted and followed during demolition and construction.

Reason: In accordance with Arun Local Plan policy ENV SP1, ENV DM3, ENV DM5 and the National Planning Policy Framework. It is considered necessary for this to be a pre-commencement condition to prevent damage/harm to the ecology of the site.

21 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.

Where demolition is required 1. and 2. above should be submitted prior to demolition. Parts 3. and 4. can take place post demolition if necessary.

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 policy D DM1, ENV SP1, ENV DM3, ENV DM5. This is required to be a pre-commencement condition because these details have to be agreed and in place before any work commences.

22 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 Local Plan policies D DM1, ENV SP1, ENV DM3, ENV DM5.

23 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.

24 At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low-carbon energy sources or equivalent fabric first standards that would secure a 10% reduction in energy use. No development above damp proof course (DPC) level shall take place unless and until details and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented in accordance with the approved timetable and retained as operational thereafter, unless otherwise agreed in writing by the local planning authority.

Reason: In order to seek to achieve high levels of energy efficiency in accordance with the aims of the NPPF.

25 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting this Order) no extensions to the dwelling houses under Schedule 2, Part 1, Class A, A.1 (g) shall be constructed unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To maintain adequate private amenity space in accordance with policy D DM1 of the Arun Local Plan.

26 INFORMATIVE: Section 278 Agreement of the 1980 Highways Act - Works within the Highway The application 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.

27 INFORMATIVE: Section 59 of the 1980 Highways Act - Extra-ordinary Traffic
The applicant is advised to enter into a Section 59 Agreement under the 1980 Highways Act, to cover the increase in extraordinary traffic that would result from construction vehicles and to enable the recovery of costs of any potential damage that may result to the public highway as a direct consequence of the construction traffic. The applicant is advised to contact the Asset Management Officer (01243 642105) in order to commence this process.

28 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.

29 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.

30 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.