

Recommendation Report for Planning Permission

REF NO: BE/131/18/PL

LOCATION: The Cottage
Shripney Road
Bognor Regis
PO22 9PA

PROPOSAL: Variation of conditions following the grant of BE/63/17/OUT relating to conditions 3-approved plans, 6-distinguish between the two phases of development so protective fencing for whole site is not required for just Phase 1 & any fencing is commensurate with phase of development being constructed, 7-Phase 1 can commence prior to construction of new vehicular access, 8-Phase 1 can commence prior to submission of plans & details incorporating the recommendations of the Road Safety Audit, 9-winter groundwater monitoring is only required for development on Phase 2, 10-refer to development on Phase 2 only as development on Phase 1 will not result in the discharge of any flows to watercourses or culverting, diversion, infilling or obstruction of any watercourse on site, 11-level of detail required regarding maintenance & management of SuDS system is commensurate with the relevant phase of development, 12-only refer to development on Phase 2, 14-SuDS management manual is submitted to local planning authority prior to construction of Phase 2 only, 15-Phase 1 can be occupied prior to construction of pedestrian access footways/crossing points, 16-Phase 1 development can be occupied prior to provision of visibility splays at proposed site vehicular access, 17-Phase 1 dwelling can be occupied prior to required installation of electric vehicle charging points & 18-allow development on Phase 1 to be occupied prior to implementation of SuDS scheme for the whole development (Phase 1 & 2) & prior to provision of as-built drawings & completion report.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The purpose of this application is to amend the originally approved planning consent (as detailed above) in order to allow development to be built out in two phases, with the construction of the single replacement house being Phase 1, and the construction of the twenty new dwellings being Phase 2. This will allow the occupier of the existing dwelling on the site to be rehoused in the new Phase 1 dwelling prior to the demolition of the existing dwelling and the construction of the twenty Phase 2 dwellings. The applicant proposes amendments to 13 of the conditions as set out in the covering letter. The application is also accompanied by a coloured phasing plan and a surface water drainage scheme for phase 1.

SITE AREA

0.89 hectares.

RESIDENTIAL DEVELOPMENT 23.6 dwellings per hectare.

DENSITY (NET)

TOPOGRAPHY

TREES

Predominantly flat.

There are 71 surveyed trees or groups of trees on or near the site. Application BE/63/17/OUT proposed to remove 32 trees as well as two groups and part of a third group.

Two Tree Preservation Orders (TPO) have been made in respect of the site.

The first, TPO/BE/1/17 refers to T1 -a Common Ash Tree located west of the existing dwelling/close to the existing site access; T2 - a Pedunculate Oak Tree located on the eastern boundary; and G1 - a group of two Lebanon Cedars to the south of the existing dwelling. This TPO was confirmed on the 20th September 2017.

The second, TPO/BE/2/17 refers to T1-T3 - three Sycamore Trees located on or immediately adjacent to the footpath which crosses the site; and T4 - a Beech Tree located in the rear garden Royce Cottage to the immediate south of the site. This TPO was confirmed on 29th November 2017.

BOUNDARY TREATMENT

Mixed. Part wall, part close boarded fencing to the Hotel. Close boarded fencing to the road. Post & wire fencing on either side of the footpath. Hedging to Royce Cottage. Hedge or otherwise open to the eastern boundary.

SITE CHARACTERISTICS

The site is split into two parts. The larger half borders the hotel site to the north and comprises of the existing one and a half storey dwelling surrounded by land formerly used for horticulture and currently grazed by some sheep. There is a touring caravan and several existing single storey buildings on the land including three disused greenhouses, a detached garage and sheds. There is also a half built two storey building in the south east corner. There is a dry ditch and bund to the eastern boundary and the remains of a dry pond within the site. There is gated access from Shripney Road.

The smaller half is separated from the former by a public footpath which connects Shripney Road on its western side to a further footpath crossing the field on the eastern side and enabling access to Sack Lane to the north east. This footpath crosses a small footbridge over the ditch on the eastern side. To the south of this lies the second part of the site which is a rectangular grassed site devoid of structures and with its own access from Shripney Road.

CHARACTER OF LOCALITY

The area is considered to be semi rural in character but with detached dwellings on both sides of Shripney Road. To the north lies the Robin Hood Pub & Hotel. There is car parking situated between the hotel and the shared boundary. To the south lies Royce Cottage, a two storey detached dwelling with a large bedroom window on the side facing the site. However,

this is partially screened by existing planting. To the east, lies open arable fields. On the western side is Shripney Road with houses beyond.

RELEVANT SITE HISTORY

BE/63/17/OUT Outline planning application with some matters reserved App Cond with S106 (Access only) for 20No. houses & flats, 1No. replacement dwelling (21No. units in total) with car parking, landscaping & associated infrastructure & access off Shripney Road (A29) and new footway both along the site frontage and across the A29 traffic island, all following the demolition of the existing dwelling & outbuildings. This application is a Departure from the Development Plan

Application BE/63/17/OUT was granted planning permission in January 2018. It was subject to 21 conditions and a Section 106 Legal Agreement relating to the following provisions:

AFFORDABLE HOUSING

6 units with the final mix to be determined at the reserved matters stage - to be provided not later than 50% occupation of the development.

PRIMARY EDUCATION

Formula for calculation at the reserved matters stage to be spent on Additional Equipment at Aldingbourne Primary School, Westergate. On commencement of development.

SECONDARY EDUCATION

Formula for calculation at the reserved matters stage to be spent on Additional Equipment at Ormiston Six Villages Academy, Westergate. On commencement of development.

6TH FORM EDUCATION

Formula for calculation at the reserved matters stage to be spent on additional Equipment at St Phillip Howard, Catholic School 6th Form, Barnham. On commencement of development.

LIBRARIES

Formula for calculation at the reserved matters stage to be spent on a Proposed Tier 7 Library within a Community Space for Bersted. On commencement of development.

FIRE & RESCUE

Formula for calculation at the reserved matters stage to be spent on the supply and installation of additional fire safety equipment/smoke alarms to vulnerable person's homes in West Sussex Fire Rescue Services Southern Area serving Bersted. On commencement of development.

It should be noted however that this is not considered to be compliant with the CIL Regulations and therefore this decision has not been made on the basis of support from the inclusion of this contribution within the signed S.106 agreement.

NHS

A contribution of £24,308 to "The Croft Practice - treatment rooms project" for the infrastructure needs of providing "Treatment Rooms" either at the practice site or the LCN main site. On commencement of development.

OFF-SITE LOCAL PLAY

A contribution of £20,000 (index linked - £32,000 at current prices) to be spent on the Berghestede Play area - The Trees Estate, North Bersted, for improvements/additions to children's play equipment. On commencement of development.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bersted Parish Council

Bersted Parish Council

Bersted Parish Council originally responded to say that: "OBJECT only to conditions 9, 10 and 11 being varied as specified in the Arun DC drainage engineers report.". This was in response to the initial objections of the Council's Drainage Engineer.

However, following agreement having been reached with the Council's Drainage Engineer, Bersted Parish Council were re-consulted and they issued further advice on the 22nd February to state that: "I have not received any objections to changing the comment on this in light of the drainage engineers further comment. So please take this as Bersted PC no longer objects to conditions 9, 10 and 11."

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

Engineering Services Manager

Engineers (Drainage)

WSCC Strategic Planning

Arboriculturist

Environmental Health

CONSULTATION RESPONSES RECEIVED:

WSCC HIGHWAYS - Advise no objections.

ADC ENVIRONMENTAL HEALTH - "No EH Comments".

ADC DRAINAGE ENGINEERS - Originally objected on the grounds that without details of winter monitoring it would not be possible to determine whether or not the drainage schemes for the two phases would need to be connected. Therefore would not be able to support the alteration of conditions 9, 10 or 11. However, did state that no objections to the amendment of condition 12 (watercourses on site and riparian responsibilities).

Following the submission of winter infiltration test results and a drainage scheme for phase 1, the Engineer provided the following additional comment:

"I have reviewed the supplied information and sufficient monitoring has been completed for Phase 1. The details are also sufficient to enable the discharge of conditions 9, 10 and 12 for phase 1 should the applicant submit a DOC application."

ADC ARBORICULTURAL OFFICER - No response received.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designations applicable to site:

Outside the Built Up Area Boundary;
Class A Road;
Special Control of Adverts;
Tree Preservation Orders (TPO/BE/2/17 & TPO/BE/2/17); and
No Public Sewer.

DEVELOPMENT PLAN POLICES

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

CSP1	C SP1 Countryside
AHSP2	AH SP2 Affordable Housing
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
ENVSP1	ENV SP1 Natural Environment
HDM1	H DM1 Housing mix
HSP1	HSP1 Housing allocation the housing requirement
HSP2	H SP2 Strategic Site Allocations
HSP2C	H SP2c Inland Arun
HWBSP1	HWB SP1 Health and Wellbeing
INFSP1	INF SP1 Infrastructure provision and implementation
LANDM1	LAN DM1 Protection of landscape character

OSRDM1	Protection of open space,outdoor sport,comm& rec facilities
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP1A	SD SP1a Strategic Approach
SDSP2	SD SP2 Built-up Area Boundary
SODM1	SO DM1 Soils
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management
WSP1	W SP1 Water

Bersted Neighbourhood Plan 2014 Policy ES1	Design of new development
Bersted Neighbourhood Plan 2014 Policy ES2	Surface water management
Bersted Neighbourhood Plan 2014 Policy ES6	Protection of trees
Bersted Neighbourhood Plan 2014 Policy ES7	Development outside of the Built Up Area Boundary
Bersted Neighbourhood Plan 2014 Policy GA1	Pedestrian and Cycle Connections
Bersted Neighbourhood Plan 2014 Policy HDQ1	Housing Site Allocations
Bersted Neighbourhood Plan 2014 Policy HDQ2	Integration of new housing
Bersted Neighbourhood Plan 2014 Policy HDQ3	Windfall sites
Bersted Neighbourhood Plan 2014 Policy HDQ4	Housing mix
Bersted Neighbourhood Plan 2014 Policy HDQ6	Outdoor space
Bersted Neighbourhood Plan 2014 Policy HDQ7	Attention to detail
Bersted Neighbourhood Plan 2014 Policy HDQ8	Car parking

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD1	Open Space & Recreation Standards
XXX6	Interim Affordable Housing Policy

POLICY COMMENTARY

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

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

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.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to comply with relevant Development Plan policies in that the proposed phasing of the scheme would not conflict with any of the policies of the development plan and would not result in material harm to the environment.

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

The proposal seeks to vary the wording of 13 of the planning conditions attached to the original planning permission but only in respect of the future phasing of the scheme to enable the current site occupant to be rehomed in the replacement dwelling on the southern section of the application site before development is commenced on the redevelopment of the main site. It is also necessary to vary the previous Section 106 legal agreement to ensure that the financial contributions are only required once development commences on the new dwellings.

The proposal concerns a site that lies outside of the built up area boundary but already has the benefit of an existing planning permission which is still valid. Therefore, although the development plan has changed since the original planning permission was granted (with a new Local Plan including a 5 year housing land supply and a new NPPF), there is no reason to reconsider the principle of dwellings on this site or to prevent this application from being approved on grounds of principle.

The remainder of these conclusions will consider the proposed changes to each of the conditions and the legal agreement.

CONDITION 3:

This specifies the plans to be adhered to during the construction of the scheme. The proposed change is the addition of the submitted phasing plan (Drawing P1549/PP/01 Rev A "Proposed Phasing Plan") and there are no objections to this.

CONDITION 6 (7):

This specifies that the development must not commence until the tree protective fencing is in place and a

pre-commencement site meeting has taken place to allow the protection measures to be inspected. This also requires the approval of a schedule of site monitoring/supervision visits and reporting procedures.

It is requested that this condition is amended to distinguish between the two phases of development so that protective fencing for the whole site is not required just for Phase 1 of the development and any fencing is commensurate with the phase of development being commenced. The Council's Tree Officer has not responded to the consultation request. However, the proposed amendments do not alter the effect of the condition and therefore no objection is raised.

CONDITION 7 (8):

This specifies that the new vehicular access into phase 2 is constructed prior to commencement of development. It is requested that condition 7 is amended so that Phase 1 can commence prior to construction of the new vehicular access, given that the Phase 1 dwelling utilises an existing access and does not rely on the new vehicular access. County Highways have raised no objections to this change and therefore no objection is raised.

CONDITION 8 (9):

This specifies that details of the highway improvements proposed by the Stage 1 Road Safety Audit & Designers Response be approved prior to commencement of development. It is requested that condition 8 is amended so that Phase 1 can commence prior to submission of plans and details incorporating the recommendations of the Road Safety Audit. This is because the Phase 1 dwelling utilises an existing access and does not rely on the new vehicular access. The improvements are required in respect of the new access and the associated 20 dwellings. County Highways have raised no objections to this change and therefore no objection is raised.

CONDITION 9 (10):

This specifies that development should not be commenced until the surface water drainage scheme has been agreed. It is requested that condition 9 is amended so that winter groundwater monitoring is only required for development on Phase 2 and not for the single replacement dwelling on Phase 1.

ADC Drainage Engineers initially objected to this change as there was the possibility that the drainage scheme for the two phases might have to be connected. However, following the submission of winter monitoring data and a surface water drainage scheme for Phase 1, Engineers have advised that the amendment is now acceptable and that details submitted are also sufficient to enable the discharge of conditions 9, 10 and 12 for phase 1 should the applicant submit an application to discharge these conditions. There is therefore no objection to this change.

However, it is considered that the need for a pre-commencement condition for Phase 1 can now be avoided. Therefore, a further change to condition 9 is proposed to remove the requirements in respect of Phase 1. The Phase 1 requirements are then replaced by a new condition (no. 6 within the recommendation) which requires that the Phase 1 development be carried out in accordance with the approved scheme.

The addition of this new condition also changes the numbering of the conditions on the decision notice and this is why there is a different number in brackets after the headings in these conclusions.

CONDITION 10 (11):

This states that development must 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.

It is requested that condition 10 is amended to refer to development on Phase 2 only as development on Phase 1 will not result in the discharge of any flows to watercourses or the culverting, diversion, infilling or obstruction of any watercourse on the site.

The Council's drainage engineer has now confirmed that there is no objection to this change and also that this condition could be discharged if an application were to be submitted. On this basis, the amendment is accepted.

CONDITION 11 (12):

This requires that a drainage system management plan be approved prior to the commencement of development. It is requested that condition 11 is amended so that the level of detail required regarding maintenance and management of the SuDS system is commensurate with the relevant phase of development.

The Council's drainage engineer has now confirmed that there is no objection to this change and also that this condition could be discharged if an application were to be submitted. On this basis, the amendment is accepted. However, notwithstanding, as the drainage system will be separate to the system for the 20 dwellings and as there would not normally be a requirement to impose a management condition on a single dwelling scheme, the condition will instead be amended to remove the maintenance manual requirement for Phase 1.

CONDITION 12 (13):

This requires that the development layout not be finalised until such time that arrangements for the future access and maintenance and maintenance of any watercourse or culvert (piped watercourse) crossing or abutting the site has been agreed by the Local Planning Authority.

It is requested that this condition is amended to only refer to development on Phase 2 as it is not necessary or relevant to the single replacement dwelling on Phase 1. The Council's drainage engineer stated in the original comments that there would be no objection to the amendment of this condition. On this basis, the amendment is accepted.

CONDITION 14 (15):

This relates to the management plan required by condition 11 (now 12) and its purpose is to ensure that the Council is aware of any changes to the plan. It is requested that Condition 14 is amended so that the SuDS management manual is submitted to the local planning authority prior to construction of Phase 2 as it is not considered necessary to provide such a manual for Phase 1 of the development.

The Council's drainage engineer has raised no objection to this change. Furthermore, given the changes proposed in respect of condition 11 (12), it follows that the changes can also be agreed to this condition. On this basis, the amendment is accepted.

CONDITION 15 (16):

This specifies that details of the pedestrian access footways/crossing points on Shripney Road be approved prior to occupation of any of the dwellings. It is requested that condition 15 is amended so that Phase 1 can be occupied prior to the construction of the pedestrian access footways/crossing points.

This is because Phase 1 only comprises a single dwelling and pedestrian access footways and crossing points are not necessary for this single dwelling. County Highways have raised no objections to this change and therefore no objection is raised.

CONDITION 16 (17):

This specifies that the visibility splays must be provided at the new access prior to occupation of the development. It is requested that condition 16 is amended so that the Phase 1 development can be occupied prior to the provision of visibility splays at the proposed site vehicular access, given that the Phase 1 dwelling utilises an existing access and does not rely on the new vehicular access. County Highways have raised no objections to this change and therefore no objection is raised.

CONDITION 17 (18):

This specifies that electric vehicle charge points be installed to serve each of the new dwellings prior to occupation. It is requested that Condition 17 is amended so that the dwelling on Phase 1 can be occupied prior to the required installation of electric vehicle charging points for the development on Phase 2. This change is acceptable.

However, a further change is considered to be necessary in order to ensure that the condition reflects the wording of the Councils updated electric charge point condition which requires a scheme for the provision of charge points in accordance with the Arun District Council Electric Vehicle Infrastructure Study rather than 1 charge point per dwelling. This allows for a flexible approach particularly in respect of flats of which there are to be some within the new development. The condition is therefore to be amended to require 1 charge point for the replacement dwelling and then the agreement of a scheme in respect of the 20 new dwellings.

CONDITION 18 (19):

This requires the agreement of as-built drainage drawings and a completion report to be submitted immediately after implementation of the approved surface water drainage scheme and prior to occupation of any part of the development,

It is requested that condition 18 is amended to allow development on Phase 1 to be occupied prior to implementation of the SuDS scheme for the whole of the development (Phases 1 and 2) and prior to provision of as-built drawings and a completion report.

The Council's drainage engineer has raised no objection to this change. Furthermore, given the changes proposed in respect of the other drainage conditions, it follows that the changes can also be agreed to this condition. On this basis, the amendment is accepted.

OTHER CHANGES:

It is also proposed to amend all of the reasons given for the previous conditions to ensure that they now refer to the policies of the current Arun Local Plan which was adopted subsequent to the decision being issued on BE/63/17/OUT.

SECTION 106 LEGAL AGREEMENT:

The changes proposed to the S.106 are entirely logical given the proposed adoption of a phased approach to the implementation of this approved development.

SUMMARY:

It is therefore recommended that planning permission be granted in accordance with the following updated conditions and the Deed of Variation to the original S.106 Legal Agreement.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

SECTION 106 DETAILS

This decision has been granted in conjunction with a Deed of Variation which relates to the phasing of the development approved by BE/63/17/OUT and makes all financial obligations payable prior to the occupation of the second overall dwelling unit which will be the first in Phase 2), therefore allowing the works to be carried out on Phase 1 and the Phase 1 dwelling unit to be occupied without payment of any financial obligations.

The deed of variation also amends the original Section 106 agreement to include the Section 73 permission under reference BE/131/18 and it discharges the Unilateral Undertaking of 13th December 2017 in respect of the NHS Contribution on the basis that the obligation is inserted in the original Section 106 agreement by this Deed of Variation.

RECOMMENDATION

- 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 2 years beginning with the date of the planning permission under BE/63/17/OUT (18 January 2018).

- (a) Layout;
- (b) Scale;
- (c) Appearance;
- (d) 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 3 years from the date of the planning permission under BE/63/17/OUT (18 January 2018) 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 :

Dwg. 334/P/01 Rev A "Site Location Plan";
Dwg. 334/F/03 Rev C "Proposed Site Plan",
Dwg P1549/PP/01 Rev A "Proposed Phasing Plan";
Dwg. 160818-07 Rev A "Site Visibility";
Dwg. 160818-06 Rev A "Proposed Footway Arrangement"; and
Dwg. 160818-TK02 Rev A "Swept Path Analysis.

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

- 4 All demolition & construction works are to be carried out in strict accordance with:- Arboricultural Method Statement Report Ref: Arbortrack Systems Ltd. jwmb/rpt5/thecottage/PI and Tree Protection Plan ref: Rev D Sept 2017.

Reason: To comply with BS5837 and policy ENV DM4 to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised and they can continue to enhance the landscape and amenity of the area.

- 5 The development must be carried out in accordance with the recommendations and mitigation measures as set out within the 'Mitigation', 'Licence Application', 'Badgers', 'Reptiles', 'Other Species' and 'General Site Enhancements' sections (pages 33 to 41) of the Preliminary Ecological Appraisal (September 2016) - as amended/updated by the relevant sections of the Bat Activity Surveys Report (June 2017). The enhancements and mitigation measures shall be retained and thereafter maintained as fit for purpose.

Reason: In accordance with Arun Local Plan policy ENV DM5 and the National Planning Policy Framework.

- 6 The development of Phase 1 must be carried out in accordance with the approved Phase 1 surface water drainage scheme shown on drawing 1808/SK2 "Surface Water Drainage Layout" by Robert Clark Associates Ltd. The scheme must be implemented and fully operational prior to occupation of the new dwelling.

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

- 7 Prior to any demolition or construction works or changes in site levels 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 for each phase of development is to take place between the Arun DC Tree Officer and the Arboricultural Consultant representing the site owners - at this meeting all protective fencing required for that phase of development 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 - Arbortrack Systems Ltd. Appendix A - Rev D Sept 2017.

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 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 policy ENV DM4 to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised and they can continue to enhance the landscape and amenity of the area. This is required to be a pre-commencement condition because it is necessary to ensure the protection of the protected and otherwise significant trees prior to any change to the surface of the site.

- 8 No development excluding the access shall commence on Phase 2 until the vehicular access serving the proposed site has been constructed in accordance with the approved planning drawings 334/F/03 Rev C "Proposed Site Plan" 160818-07 Rev A "Site Visibility" & 160818-TK02 Rev A "Swept Path Analysis".

Reason: In the interests of road safety in accordance with policy T SP1 of the Arun Local Plan and the National Planning Policy Framework. This is required to be a pre-commencement condition because the access should be in place before the commencement of works to the site and because road safety is at the heart of a planning permission.

- 9 No development shall commence on Phase 2 until such time as 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 in accordance with policy T SP1 of the Arun Local Plan 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 a planning permission.

- 10 Development shall not commence until full details of the proposed surface water drainage scheme for Phase 2 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 groundwater levels and Percolation testing to BRE 365, or similar approved, will be required for development on Phase 2 to support the design of any Infiltration drainage.

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

- 11 Development on Phase 2 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 W SP1, W DM1, W DM2 and W DM3 of the Arun 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.

- 12 Development shall not commence on Phase 2 until full details of the maintenance and management of the SuDS system required for Phase 2 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 in accordance with policies W DM1, W DM2 and W DM3 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition to ensure that the future maintenance and funding arrangements for the surface water disposal scheme are agreed before construction commences.

- 13 The development layout on Phase 2 shall not be agreed until such time that arrangements for the future access and maintenance 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 and in accordance with policies W DM1, W DM2 and W DM3 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because surface water drainage goes to the heart of the

planning permission.

- 14 Development shall not commence until a drainage strategy detailing the proposed means of foul disposal and a implementation timetable, has been submitted to and approved in writing by, the local planning authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable.

Reason: To ensure that the proposed development has a satisfactory means of disposing of foul sewerage in accordance with policies W DM1 and W DM3 of the Arun Local Plan. 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 been completed.

- 15 Upon completed construction of the SuDS System but prior to occupation of any part of the development on Phase 2, 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 and in accordance with policies W DM1, W DM2 and W DM3 of the Arun Local Plan.

- 16 No part of the development on Phase 2 shall be first occupied until such time as the pedestrian access footways/crossing points on Shripney Road serving the development have been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority.

Reason: In the interests of road safety in accordance with policy T SP1 of the Arun Local Plan and the National Planning Policy Framework.

- 17 No part of the development on Phase 2 shall first be occupied until visibility splays of 2.4 metres by 120 metres to the south and 2.4 metres by 71 metres to the north have been provided at the proposed site vehicular access onto Shripney Road, in accordance with the approved planning drawings. Once provided the splays shall therefore be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level.

Reason: In the interests of road safety in accordance with policy T SP1 of the Arun Local Plan and the National Planning Policy Framework.

- 18 Prior to occupation of the dwelling on Phase 1, an electric vehicle charge point shall be installed to serve this dwelling. The charge point shall thereafter be permanently retained and maintained in good working condition.

Prior to occupation of any of the dwellings on Phase 2, a scheme for the provision of facilities to enable the charging of electric vehicles to serve the approved dwellings shall be submitted

to the local planning authority for approval and thereafter implemented in accordance with the approved details and the charge points shall thereafter be permanently retained and maintained in good working condition.

Reason: New petrol and diesel cars/vans will not be sold beyond 2040, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with policy QE DM3 (c) of the Arun Local Plan, the Arun District Council Electric Vehicle Infrastructure Study (November 2017) and the National Planning Policy Framework

- 19 Immediately following implementation of the approved SuDS scheme and prior to occupation of any part of the development on Phase 2, 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 W DM1, W DM2 and W DM3 of the Arun Local Plan.

- 20 Should any sewer be found during construction works then all development activities shall cease and not recommence until full details of the proposed measures to be undertaken to protect the existing public sewer have been submitted and approved in writing by the local planning authority (in conjunction with Southern Water) and then implemented in accordance with the agreed details.

Reason: To ensure that the proposed development does not result in any damage to the existing foul sewer in accordance with policies W DM1 and W DM3 of the Arun Local Plan.

- 21 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 seek to conform with the recommendations within BS5489:1-2013 but 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 amenity of existing neighbouring properties, the site biodiversity (particularly in respect of bats), the interests of minimising crime and to minimise unnecessary light spillage outside the development site in accordance with policies QE SP1, QE DM2 & ENV DM5 of the Arun Local Plan.

- 22 No removal of trees, shrubs or other vegetation that may contain birds' nests shall take place between 1st March and 31st August inclusive, unless a suitably qualified ecologist/wildlife specialist has undertaken a careful, detailed, check of vegetation for active birds' nests immediately before the vegetation is cleared and confirmed that no nests will be harmed. Where nests are discovered, the vegetation shall remain in place until nesting activity has ended naturally and the ecologist has confirmed that it is safe to proceed.

Reason: To prevent interference with the breeding success of wild birds in the interests of biodiversity conservation, as well as to ensure compliance with the legal protection of birds, their nests and eggs under Section 1 of the Wildlife and Countryside Act 1981, as amended and in accordance with policy ENV DM5 of the Arun Local Plan.

- 23 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning

(Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- 24 INFORMATIVE: This decision has been granted in conjunction with a Deed of Variation which relates to the phasing of the development approved by BE/63/17/OUT and makes all financial obligations payable prior to the occupation of the second overall dwelling unit which will be the first in Phase 2), therefore allowing the works to be carried out on Phase 1 and the Phase 1 dwelling unit to be occupied without payment of any financial obligations. The deed of variation also amends the original Section 106 agreement to include the Section 73 permission under reference BE/131/18 and it discharges the Unilateral Undertaking of 13th December 2017 in respect of the NHS Contribution on the basis that the obligation is inserted in the original Section 106 agreement by this Deed of Variation.
- 25 INFORMATIVE: Drainage Engineers advise that Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE 365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 30% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers. Supplementary guidance notes are also available on request.
- 26 INFORMATIVE: The emerging landscape design aims should be:
- To design and implement a scheme that reflects and incorporates elements of its surroundings and enhances the atmosphere of local distinctiveness;
 - To create a visually pleasing and interesting landscape for owners, employees and visitors to the development;
 - To enhance the landscape quality of the site when viewed from the surrounding area;
 - To provide a planting scheme that includes native species to blend with the surrounding location, enhance biodiversity and create enhanced wildlife corridor opportunity; and
 - To provide a sense of flow and cohesion between the different elements of the landscape, buildings, open areas and surrounding environment.

The provision of landscaping for the development must be conditioned with any permission. Some indicative landscaping particularly trees detailed have been illustrated with the masterplan. Forming part of any decision consideration or as a minimum reserved matters a full landscape scheme should be submitted for approval, detailing species choice, position, densities and size at time of planting.

This should be plotted in plan and list form and in relation to the trees and vegetation to be retained in the locale, so that a clear picture of the proposals can be seen. These details are required to assure the adjacent land setting is maintained, the setting is uncompromised and the proposals are appropriate to its setting. The landscape scheme should maximise the

biodiversity of the site with the inclusion of native species and the retention of a variety of habitats. The long term management of the developing landscape would need to be considered.

27 INFORMATIVE: Please note the comments of Sussex Police:

The existing public footpath provides access to the rear of 6 houses. As this path is unavoidable, it should be as wide as possible, adequately lit, as straight as possible, devoid of potential hiding places and overlooked by surrounding dwellings.

The flatted building should be provided with lockable gates and fencing to the sides to remove easy access to the vulnerable ground floor windows and the cycle store. Consideration could be given to the relocation of the cycle store from its present location to the front of the block adjacent to the refuse store. This would enable the store to have natural surveillance over it as well as observation from active rooms from within the flats. It will make accessing the cycles easier for the residents by being at the front of the block.

28 INFORMATIVE: Should any protected species or evidence of any protected species be found prior to or during the development, all works must stop immediately and an ecological consultant or Chichester District Council's ecologist contacted for further advice before works can proceed. All contractors working on site should be made aware of this advice and provided with the contact details of a relevant ecological consultant.

29 INFORMATIVE: Existing surface water flow paths across the site must be maintained. A wholesale site level rise via the spreading of excavated material should be avoided and therefore any excavated material kept on site should be located in areas designed and designated for that purpose. This is in accordance with the National Planning Policy Framework paragraph 103.

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) or building(s) for which work is planned, you should take further advice and apply for a licence from Natural England before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.