

Recommendation Report for Planning Permission

REF NO: BE/18/17/PL

LOCATION: Land west of New Barn Lane
Bersted

PROPOSAL: Variation of condition 3 for approved plans & 23 for vehicular access imposed under BE/142/15/OUT. This application is a Departure from the Development Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
SITE AREA	0.12HA
TOPOGRAPHY	Predominantly flat.
TREES	There are three trees within the vicinity of the proposed access. T1 - Elder, T2 - Silver Birch and T3 Sycamore. All are to be retained. It is proposed to prune the lower branches of the sycamore T3.
SITE CHARACTERISTICS	The application site forms part of a field that has been granted planning permission for 90 residential units. The field is located to the west of Bersted where the nearby housing to the west of Chichester Road is suburban in character, Mainly 1950's and 1960's single and two storey housing, often with open plan front gardens.

RELEVANT SITE HISTORY

BE/142/15/OUT	Outline application with some matters reserved for a mix of up to 90 No. residential units, associated open space, landscaping, access & car parking. This application is a Departure from the Development Plan.	App Cond with S106 24-02-2016
---------------	--	----------------------------------

The application for 90 dwellings was granted planning permission for outline planning consent in February 2016.

REPRESENTATIONS

Representations received:

Bersted Parish Council

Bersted Parish Council - OBJECT for the following:

The originally approved access should remain. The revised access will adversely affect resident s opposite, so would be un neighbourly.

Two letters have been received.

One sets out that that the applicant is seeking to alter conditions following the planning permission and the ADC conditions should be complied with.

The second letter is from the adjoining landowner who is keen to ensure that both the Landform approval and the Church Commissioners site (if approved) is deliverable. Comments are made in relation to the wording of the draft Deed of Variation.

Comments on Representations received:

The Comments are noted and considered in the assessment below.

CONSULTATIONS

WSCC Strategic Planning

Parks and Landscapes

Consultations responses received:

Greenspace

We reiterate our comments submitted under application BE/142/15/OUT

The new layout would not appear to compromise the significant existing trees in this location, which have been indicated to remain. We would however require that careful consideration be given to the correct RPA (root protection areas) for these trees, both before and during construction in order for these trees to remain undamaged going forward.

'Any trees or vegetation that fall within the proposed or periphery of the development, may provide significant aesthetic impact to the location. Any trees in particular along the boundaries, which adjoin neighbouring land, in particular is the vegetation cover to be seen to the north, south and west of this site could provide potential valuable screening and should be retained particularly and particularly any adjoining/bordering the settlement boundary. Any considered tree removal from this site should be agreed with Arun District Councils Tree Officer. Root protection Areas (RPA) should extend into the development site and to those in neighbouring land. Before construction, a tree protection scheme must be in place for any retained trees including trees whose root protection areas fall within the construction zone from neighbouring land. This should be in accordance with BS 5837:2012 'Trees in relation to construction' Any removed trees should be mitigated for allowing for inclusion of native species for biodiversity purposes and fitting to the semi-rural setting.'

A revised landscape scheme (beyond the indicative masterplan) would need to be submitted and approved, detailing the revised access into this development and any mitigation if deemed necessary. 'Forming part of the application 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 illustrative masterplan does set back the dwellings from New Barn Lane and details a central open space area which would create a useable and desirable space. The retained vegetative areas to the periphery of the site would create wildlife corridors and for the retention of valuable established vegetation'.

WSCC Highways

West Sussex County Council, in its capacity as the Local Highway Authority, has been consulted on the proposed variation of condition relating to consent BE/142/15.

The variation relates to amending the access arrangement to the access that was approved by committee in September as part of application BE/93/16. No objection is raised to this alteration. It is understood that S106 measures were included as part of BE/93/16 relating to the delivery of the access, and the ability for the development site directly south of the application site, to connect into this access road in order to minimise points of entry onto the network. It is unclear whether the proposed variation would negate the legal agreement associated with BE/93/16. If so, it is recommended that provision should be replicated should the variation be permitted.

Comments on Consultation responses:

The above highways comments indicates that in relation to a single access point to the residential developments to the west of Bersted the replacement Access A (approved) could be replaced by Access B (proposed BE/93/16/PL). However the replacement access cannot co-exist should Access A be constructed. Access A provides both a Public Right of Way (PROW) and vehicular access to the field to the south, between the Landform 90 dwelling site and the Jubilee Field which is the subject of a proposal for 50 dwellings. Full assessment in the conclusions below.

POLICY CONTEXT

Designation applicable to site:

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN7	The Form of New Development Development and the Provision of Infrastructure Public Transport Light Pollution Cycling and Walking D SP1 Design ENV DM4 Protection of Trees Design of new development Development outside of the Built Up Area Boundary
	GEN8	
	GEN14	
	GEN33	
	GEN15	
Publication Version of the Local Plan (October 2014):		
Bersted Neighbourhood Plan 2014 Policy ES1 Bersted Neighbourhood Plan 2014 Policy ES7		

PLANNING POLICY GUIDANCE

NPPG	National Planning Practice Guidance
NPPF	National Planning Policy Framework

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.

A new local plan is in preparation may be a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015. The Examination into the submitted plan was commenced but is currently suspended whilst Arun District Council addresses matters raised by the Inspector. A number of Main Modifications

to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these is taking place 10 April 2017 to 5pm on Tuesday 30 May 2017. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification may also be material consideration to take into account.

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

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 it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established

character of the surrounding area.

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

Application BE/142/15/OUT was approved by DC Committee in February 2016. The access (access A) was submitted in detail, all other matters were reserved. Access A forms a continuation of New Barn lane, using the Public Right of Way (PROW).

This proposal is for a replacement access (Access B) which is around 8m north of Access A.

The applicant has explained that there was a 1m strip of land the length of the New Barn Lane frontage that had formed a ransom strip. Following the approval, Landform purchased the strip and are proposing to relocate the access location.

The relocation of the access in principle would be an acceptable proposal, however in this instance the planning considerations are:

Highways; and
Trees.

The application site is adjoining a site approved by planning committee submitted by the Church Commissioners for 50 units that is now the subject of a Secretary of State Call-in Inquiry to be held in September 2017.

As a summary of the applications and recent site history.

BE/142/15/OUT - approved 90 units with an approved access (access A)

BE/93/16/PL - is an application for a detailed submission for access B. The planning committee approved the access as it meets the requirements of County Highways. The application has been held in abeyance as the Council had concerns about the mechanism for how the development would/could progress with either A or B point of access. The Council requested that this should be achieved by what is termed as a s73 application (minor amendment to an existing application).

BE/189/16/PL - proposed by the applicant to amend 3 conditions which would allow, in the view of the applicant, the link between BE/142/15 and BE/93/16. The council view was this was an unusual way to achieve an either A or B access solution. (application held in abeyance).

BE/18/17/PL - this application is a s73 in the form requested by the council - where if approved the developer would either submit reserved matters to build a scheme that uses Access A (BE/142/15/OUT) or a reserved matters pursuant to BE/18/17/PL which would allow the scheme to be built using Access B. If approved all the conditions as per BE/142/15/OUT and the s106 would be applied to this consent.

Highways Considerations

The variation relates to amending the access arrangement to the access that was approved by planning committee in September 2016 as part of application BE/93/16/PL. The Local Highway Authority raised no objection to this alteration. S106 measures were included as part of BE/93/16 relating to the delivery of the access, and the ability for the development site directly south of the application site, to connect into this access road in order to minimise points of entry onto the network. It is unclear whether the proposed variation would negate the legal agreement associated with BE/93/16/PL. If so, it is recommended that provision should be replicated should the variation be permitted.

It is confirmed that a deed of variation to BE/142/15/OUT s106 has been submitted which is written to ensure that only either Access A or Access B can be implemented by the applicant.

Trees

The location of the revised site access is between mature trees. T1 - an Elder; T2 a Silver Birch; and T3 a Sycamore. Initially the applicant confirmed that all three would be retained, subject to pruning of T3. This was later clarified by the applicant's arboriculturist:

T1: C Category elder - This tree is a poor species and was shown for removal for development purposes on our Preliminary AIA which forms part of the now consented proposals. It is a large multi-stemmed bush with a 7.2 m RPA and will not fit on the narrow strip shown on the revised drawing without extensive root loss. It will still need to be removed to achieve the revised layout.

T2: B Category silver birch - The bell mouth encroaches slightly into the RPA and pre-emptive root pruning is recommended to minimise root damage. The footpath through the RPA will need to be of No-Dig construction. The canopy height is currently 1m and some minor facilitative pruning will be necessary.

T3: The footpath shown through the RPA must also be No-Dig. It must not extend closer than 0.5 m towards the tree.

To summarise trees; T2 and T3 would be retained and protected in line with BS5837:2012 as long as No-Dig construction is used for the paths. T1 still needs to be removed for development purposes.

The council's Tree Officer has following a request from a member of the public been asked to consider a TPO on a group of Sycamores, T2 - Silver Birch and an Oak which sits to the south of New Barn Lane PROW. In the approved application BE/142/15/OUT these trees were not shown to be removed so all were assessed. The advice is that the sycamores are not worthy of a TPO. The Oak and Silver Birch qualify and the TPO has been implemented.

The implications of this application on BE/77/16/OUT

The Church Commissioners(CC) application for 50 dwellings is seeking permission in principle for a residential development of up to 50 dwellings on land adjoining to the south. All matters including access are reserved. The CC application has provided a transport statement that considers traffic impact but as no access is included in the current application there are no

compatibility issues at this time. This proposal is seeking to relocate the access and it is deemed to be acceptable in highway safety terms. The applicant has included a Unilateral Undertaking to only build one access A or B; while making provision to grant to the CC the right to connect to and have access over Access A or Access B, as relevant, from the Church Land.

The CC application was approved by Planning Committee in September subject to completion of the s106. The application was subsequently Called-in by the Secretary of State and the Inquiry will be held in September 2017. The Parish Council sought the Call-in but have declined to be a Rule 6 party at the Inquiry.

Counsel advice has been sought on the wording of the Deed of Variation associated with this application (BE/18/17/PL) and there will be an update to planning committee.

In summary Access B has been approved by planning committee and the difference between this application and BE/93/16/PL is that this application provides a clearer either or planning solution. All of the conditions are as already approved on BE/142/15/OUT with the exception of condition 3 which includes plans list, which reflect Access B. It is therefore recommended to approve subject to the completion of the consultation period on 27 April 2017 and the completion of the deed of variation within 4 weeks of the committee approval or any such long period agreed in consultation with Chair and Vice Chair of planning Committee.

An update is to be provided to members at Committee.

HUMAN RIGHTS ACT

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

Unilateral Undertaking that confirms that only one access can be built either Access A or Access B; right for adjoining landowner to connect and to have access over the Access A or B. No impediments to deliverability where a shared access is used.

RECOMMENDATION

APPROVED CONDITIONALLY WITH A SIGNED 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 2 years beginning with the date of this permission:-

- (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 this permission, or before expiration of 1 year 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:

01084_S_01_Rev P3	Site Location Plan
01084_S_02_Rev P3	Application Boundary
01084_PP_01_Rev P5	Parameter Plan: Land Use and Access
01084_PP_03 Rev P5	Parameter Plan - Green Infrastructure
01084-PP_02 Rev P5	Parameter Plan Building Heights
507-021 Rev A	Site Access
507-017	Site access refuse truck tracking - site access

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 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 is of archaeological significance in accordance with Arun District Local Plan Policy GEN7.

- 5 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.

- 6 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 details of financial management and arrangements for the replacement of major components at the end of the manufacturers recommended design life. Upon completed construction of the SuDs System, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.

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.

- 7 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.

- 8 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.

- 9 No development shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme including details of hard and soft landscaping and details of existing trees and hedgerows to be retained, together with measures for their protection during the course of the development. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and of the environment of the development in accordance with policy GEN7 of the Arun District Local Plan.

- 10 No development including site access, demolition or associated construction activities, shall take place on the site unless and until all the existing trees/bushes/hedges to be retained on the site have been protected by a fence in accordance with BS5837 (2012) and Section 9, to be approved by the Local Planning Authority for erection around each tree, group of trees and vegetation to a distance of 15m or to the Root Protection Area (RPA) as calculated in accordance with Table 2 of BS5837 (2012) to be agreed in writing by the Local Planning Authority. Within the areas so fenced off the existing ground must not be cultivated, nor must it be lowered or raised or added to by the importation and spreading of top soil unless agreed by the Local Planning authority. There must be no materials, temporary buildings, plant machinery or surplus soil shall be placed or stored thereon without prior written approval of the Local Planning Authority.

No trenching should occur within the protective fencing surrounding the Root Protection Area. If however there is no alternative but to locate the services then its encroachment into the Root Protection Area must be kept to a minimum and where the roots should be exposed using compressed air technology, such as the air spade to reduce damage caused by mechanical methods. If roots requiring severance to allow for the passage of services is necessary then an arboriculturist would be required to assess and determine whether the loss of the roots would be detrimental to the continued health and stability of the affected tree.

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

- 11 No development shall be carried out unless and until a schedule of materials and finishes and samples of such materials and finishes to be used for external walls (and roofs) of the proposed buildings have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the development.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity and in accordance with policy GEN7 of the Arun District Local Plan.

- 12 No development shall take place 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 the interests of highway safety and the amenities of the area.

- 13 Prior to the commencement of development, a plan shall be submitted to the Local Planning Authority to show how the development shall be divided into phases and a phasing programme for the entire site shall be submitted in writing to the Local Planning Authority.

Reason: For the avoidance of doubt.

- 14 Prior to the commencement of construction works details of a proposed foul drainage system shall be submitted to and approved in writing by the Local Planning Authority (including details of its siting, design and subsequent management/maintenance) and no dwelling shall be occupied until works for the disposal of sewage have been fully implemented in accordance with the approved details.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Local Plan.

- 15 Prior to the commencement of construction works on each phase of the development of any preparatory works a detailed ecological enhancement scheme (which shall include the installation of bat boxes throughout the site) shall be submitted to the LPA for approval and will be based on the recommendations within the supporting ecological statement and as appropriate. All approved details shall then be implemented in full and in accordance with the agreed timings and details.

Reason: This condition is necessary to ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in line with national guidance and Policy GEN23 and GEN29 of the Arun District Local Plan (2003).

- 16 No operational or construction vehicles shall be operated on the site except between the hours of:

7.00 and 19.00 on Mondays to Fridays inclusive
7.00 and 13.00 on Saturday
Not at any time on Sundays or Public Holidays

Reason: In the interests of amenity in accordance with Arun District Local Plan policies GEN7 and GEN32.

- 17 The landscape details referred to in Condition 1 shall include a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscape areas other than privately owned domestic gardens. The landscape management plan shall be implemented in accordance with the approved details.

Reason: In the interest of amenity and the environment of the development in accordance with policy GEN7 of the Arun District Local Plan.

- 18 No development shall take place until details of laying out, timetable for provision and future maintenance of Public Open Spaces has been submitted to and approved by the local planning authority. The layout details submitted in compliance with Condition 1 shall define the boundaries of such areas, their proposed use, the items of equipment, means of enclosure and all other structures to be installed. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the informal open space, which is considered a necessary part of the development, is provided to an acceptable standard within an agreed timescale in accordance with policies GEN7 and GEN8 of the Arun District Local Plan.

- 19 No demolition, ground clearance or vegetation clearance works shall take place within the bird nesting season (between 1 March and 31 August inclusive in any year). If such works cannot be undertaken outside of the nesting season, a nesting bird check shall be required, which should be undertaken by a suitably qualified ecologist immediately prior to the works taking place. Subsequently if any active nest sites are identified, these nests should remain undisturbed until all the young have fledged naturally.

REASON: To minimise disturbance to nesting birds.

- 20 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. 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 [as a part of the reserved matters submissions required by condition 2]. 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.

- 21 No development shall take place until a street lighting scheme has been submitted and approved in writing by the Local Planning Authority. This must comply with the Institute of Lighting Engineers Guidance Notes for the reduction of obtrusive light.

Reason: To enable the LPA to control the development in detail in the interests of residential amenity and in accordance with GEN7 of the Arun District Local Plan and also to ensure there is no impact on Bats within the vicinity of the site.

- 22 Prior to the commencement of the development details showing the proposed location of one fire hydrant (in accordance with the West Sussex Fire and Rescue Guidance Notes) shall be submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Services. These approvals shall not be unreasonably withheld or delayed.

Prior to the first occupation of any dwelling unit forming part of the proposed development that they will at their own expense install the fire hydrant (or in a phased programme if a large development) in the approved location to BS 750 standards and arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of fire fighting. The fire hydrant shall thereafter be maintained as part of the development by the water undertaker at the expense of the Fire and Rescue Service if adopted as part of the public mains supply (Fire Services Act 2004).

Reason: In the interests of amenity and in accordance with policy GEN7 of the Arun District Local Plan 2003

- 23 No development shall commence until the vehicular access serving the development 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.

- 24 The use of the new access shall not commence until visibility splays of 2.4 metres by 43 metres have been provided at the proposed site vehicular access onto New Barn 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.

- 25 No part of the development shall be first occupied until the car parking spaces have been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. These spaces shall thereafter be retained at all times for their designated use.

Reason: To provide car-parking space for the use.

- 26 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

- 27 No part of the development shall be first occupied until the road(s), footways, and casual parking areas serving the development have been constructed, surfaced and drained in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: To secure satisfactory standards of access for the proposed development.

- 28 No part of the development shall be first occupied until such time as a Travel Plan Statement has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan Statement shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for

Transport or as advised by the Highway Authority.
Reason: To encourage and promote sustainable transport.

29 INFORMATIVE

Please note that related to this permission there is an agreement under Section 106 of the Town & Country Planning Act 1990.

30 INFORMATIVE:

The reserved matters application will provide full details of all roads and footpaths associated with the development. In the event that neighbouring land is approved for development at some point in the future this layout must include footpath and pedestrian links right up to the boundary to ensure access.

31 INFORMATIVE:

If there is a requirement for security lighting during construction or proposed at any dwelling prior to installation the lighting details must be provided to and approved by the Local Planning Authority.

32 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 Highway Officer (01243 642105) in order to commence this process.

33 INFORMATIVE:

Section 278 Agreement of the 1980 Highways Act - Works within the Highway
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.

34 INFORMATIVE:

Section 38 Agreement of the 1980 Highways Act - Provision of Adoptable Highway
The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the proposed adoptable on-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that any works commenced prior to the S38 agreement being in place are undertaken at their own risk.

35 INFORMATIVE:

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.