

REPORT UPDATE

Application No: BE/47/09/

Reason for the Update / Changes

Reason for Update/Changes

Letter received from agent

A letter has been submitted by the agent in response to the Committee report and suggested conditions/ informative. The agent is of the opinion that the proposed development does not constitute a departure from the development plan. The agent is of the opinion that Arun District Council should be able to demonstrate a rolling 5 year supply of deliverable land for housing in accordance with PPS3. The agent considers that given that Arun have not yet reviewed it policies to reflect those in the PPS and acknowledge that it cannot demonstrate a 5 year supply, the Council is required to consider the application favourably having regard to the policies in the PPS.

Comments are made regarding several conditions/ informative.

Letters of representation

Nine addition letters of objection (including seven standard letters of objection) have been received in relation to this application. No additional points have been raised in these letters.

Additional consultation responses

West Sussex County Council

The County Councils comments cover the archaeology, ecology, landscaping, infrastructure contributions and transport view points of this application.

West Sussex County Council recommends a Section 106 agreement/ conditional approval to this application. The section 106 agreement to include a developer contribution towards school, library, fire and rescue, waste management services and transport infrastructure as identified in the Infrastructure/ transport contribution comments.

Archaeology comments

Given the lack of archaeological evidence produced by the evaluation and the indication that the entirety of the site had been extensively disturbed in connection with the nursery use I do not consider that further (conventional, surface) archaeological investigation is necessary. Turning to the geo-archaeological results, provided that foundations and services (sewers etc) do not extend below ground deeper than 2.5 metres there will be no need for further geo-archaeological results, provided that foundations and services (sewers etc) do not extend below ground deeper than 2.5 metres there will be no need for further geo-archaeological investigation. Should ground works require monitoring and sampling. This may be accommodated while construction is on progress as a watching brief subject to health and safety considerations.

Ecology comments

No Objection. Suggested condition.

The ecological report has highlighted habitat suitability for reptiles, bats, great crested newts, dormouse and birds. Most ecological issues will be dealt with through the proposed boundary treatment. Large scale, detailed surveys have already been undertaken for protected species

as part of nearby strategic development. These surveys have shown that great crested newts are unlikely to be a significant issue in this area.

With reference to historical surveys in the general area, reptiles protected under the Wildlife and Countryside Act 1981 are likely to be present but in low numbers. However, given the habitat on site the detailed applications should come with reptile surveys and mitigation plans and that a supervisory Ecological Clerk of Works is present during the preparatory ground clearance operations.

Landscape

No Landscape objection subject to management of existing screening.

Chalcraft Nurseries site is enclosed and not visible from outside due to development on the eastern boundaries and tree and hedgerows on the three other boundaries.

The tree and shrub survey is comprehensive and has identified the important trees of which there are few.

Whilst the site is outside of the built up area, it is well screened and potential development would not have any visual impact in the wider landscape provided peripheral trees and hedgerows are acknowledged in design proposals, with tree roots areas protected as recommended in the CBA Report and management proposals including new planting are submitted to ensure that the existing screening is perpetuated.

Transport comments

WSCC would advise that the proposed residential development is reasonably accessible by sustainable modes of travel such as walking, cycling and public transport that is supported by Aruns Sustainability Study.

WSCC welcome the improvements at the site access road junction with Chalcraft Lane and for pedestrians on the local road network and would advise that these improvements have been the subject of an independent road safety audit whose recommendations have been addressed and approved by the Countys road safety audit assessor.

Infrastructure contributions

Contributions requested towards school, library, fire and rescue, waste management services and transport infrastructure

PPG13 advises that planning obligations may be used to achieve improvements to public transport, walking and cycling, where such measures would be likely to influence travel patterns to the site involved, either on their own or as part of a package of measures.

Acknowledging the existing garden centre use on the site and the developer will be providing through a Section 278 agreement pedestrian accessibility improvements to the site, as shown on drawing number 2009/1046/001, it would be reasonable for the developer to make a modest contribution of 50,000 pounds towards sustainable transport improvements that would improve accessibility to the site. The contribution to be paid upon commencement of the development.

Southern Water

Further comment

The applicants drainage strategy make reference to making an application under Section 106 of the Water Industry Act for connection of foul flows to the public sewer. This we would contend would be premature pending the provision of adequate capacity. The provision of additional capacity through the Companys priorities capital programme could not be competed

for a considerable time. The bid for the next review period 2010 to 2015 is with OFWAT with determination due to December 2009. Developments included in this must have planning certainty, which is not the case for the development in question. The earliest that further capacity could be provided subject to OFWAT approval for funding would be 2016.

If the council is minded to grant consent, we would contend that the provision of infrastructure shall be developer funded, through the requisitioning procedures of the Water Industry Act.

The Surface Water Drainage Strategy refers to lack of percolation on site and the potential discharge to the adjacent watercourse. Southern Water would support this strategy, subject to necessary approvals.

Officers Comment:

In light of the comments raised by the agent and the additional consultation responses that have been received, some of the conditions/ informatives have been amended.

Arun District Council is of the opinion that this application, which is located outside the defined built up area boundary constitutes a departure from the development plan.

All of the points raised in the additional third party letters have been addressed in the officers report.

The conditions/ informative suggested by WSCC and Southern Water will be added to any approval, provided they are considered to be reasonable. An amended recommendation sheet is attached accordingly.

The contributions sought by WSCC towards school, library, fire and rescue, waste management services and transport infrastructure, will be requested via a S106 Legal Agreement.

Note: The changes to conditions are attached on the amended replacement recommendation sheet.

Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report/Recommendation.

BE/47/09/

PLANNING APPLICATION REPORT

REF NO: BE/47/09/

LOCATION: Chalcroft Nursery & Associated Land
Chalcroft Lane
Bognor Regis

PROPOSAL: Outline Application for the demolition of all existing buildings and redevelopment of the site with up to 70 dwellings (up to 28 Affordable), public open space and strategic landscaping. Departure from the Development Plan

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

This application seeks outline planning permission for the demolition of all existing buildings and redevelopment of 1.75 hectares of the site with up to 70 dwellings (including up to 28 affordable dwellings), 0.26 hectares of public open space and the retention of 0.489 hectares of land set aside for ecological enhancements/ strategic landscaping.

The number of dwellings proposed and the means of access to the site from Chalcroft Lane, form part of the outline application with layout, scale, appearance and detailed landscaping being reserved matters.

Indicative plans have been submitted as part of the proposal, which demonstrate how the site could be laid out with up to 70 No. dwellings. The indicative layout suggests a development comprising a mix of detached, semi-detached and some terraced two and three bed family houses. The agent has stated within the submitted information that properties will be a maximum of 2.5 storeys in height. The submitted Design and Access Statement states that the intention is to provide differing traditional styles in order to achieve visual interest in the street scene and provide an attractive environment for future residents. The indicative plans also include provision for private amenity space, public open space, ecology enhancement and strategic landscaping.

SITE AREA

2.5 hectares.

RESIDENTIAL DEVELOPMENT DEN

31 dwellings per hectare.

This net density is calculated as recommended by PPS3 (Annex B) by including only those site areas which will be developed for housing and directly associated uses, including access roads within the site, private garden space, car parking areas, incidental open space and

landscaping and children's play areas where these are provided. The 0.26 hectares of public open spaces is therefore omitted from this calculation.

TOPOGRAPHY

Predominately flat.

TREES

There are many trees along the site boundaries. A tree survey report and a tree root protection area schedule has been submitted as part of this application.

BOUNDARY TREATMENT

1m high wooden fencing to the front south east boundary. The rear of the site is bordered by high tree coverage to all sides.

SITE CHARACTERISTICS

The site is accessed off the west side of Chalcraft lane. A gravel access leads to a large parking area to the front east side of the site.

The main site is currently occupied by Chalcraft Nurseries & Garden Centre and an Aquatic and Angling Centre.

Chalcraft Nurseries & Garden Centre is centrally located to the front of the site. Clad buildings, with shallow pitched roofs. Buildings are predominantly green in colour.

'Tropikoi Aquatic Centre' is located to the front north east corner of the site. Main building has a shallow pitched roof, with poly tunnel element attached to the west side.

A number of polytunnels to the rear of the Nursery buildings. There are also a number of sheds, caravans and storage areas.

A considerable part of the site to the rear is unused Greenfield land.

CHARACTER OF LOCALITY

The site is positioned adjacent to Chalcraft lane on the edge of the Built up Area Boundary. There are residential properties to the front east side of the site, adjacent to Chalcraft Lane. These properties are a mixture of one, two and two-and-a-half storey detached, semi-detached and terraced dwellings.

The Cemetery abuts the site to the south west side. The northern and western boundaries adjoin undeveloped countryside (Greenfield land).

RELEVANT SITE HISTORY

BE/15/05/	Outline application for mixed residential development comprising 140no. houses and flats. Departure from the Development Plan and accompanied by an Environmental Statement	Refused 21-12-2005
BE/126/06/CLE	Application for a Certificate of Lawfulness for an existing use - garden centre, aquatic centre, straw composting, storage of building materials and plant hire storage	Refused 16-01-2007
BE/136/06/	Outline application for 132 affordable residential units consisting of 27x1 bed flats, 36x 2 bed flats, 47x2 bed houses, 20x3 bed houses, 2x3 bed wheelchair compatible houses. Departure from the Development Plan and accompanied by an Environmental Statement. Resubmission of BE/15/05.	Refused 20-03-2007
BE/156/07/CLE	Application for a lawful development certificate for an existing use - garden centre, aquatic sales centre and nursery	Approve 14-01-2008

REPRESENTATIONS

Representations received:

Bersted Parish Council

The Council Objects because the application is contrary to the South East Plan.

1. The site lies outside the built-up area and the proposal, not being for agriculture, forestry, recreation, the extraction of minerals or disposal of waste.
2. The land is not allocated in any Local Plan or identified for residential development and would not constitute infilling or redevelopment within an existing built-up area.
3. The proposal would involve development within the Bognor Regis and Chichester Strategic Gap and it is not considered that there are compelling reasons to allow it.
4. No Section 106 Unilateral Undertaking have been submitted to secure infrastructure or to secure infrastructure or to secure long term retention as affordable housing.
5. The Council is not satisfied that the existing foul sewerage system is adequate to serve the development proposed.
6. There is serious concern that run-off rain water will cause localised flooding to adjacent properties and increase the flooding problems at Chalcraft Cemetery.
7. It is still not considered that adequate visibility is provided at the redesigned junction of the new access road and Chalcraft Lane.
8. If the application is allowed Arun District Council will find it difficult to resist similar applications in the vicinity, with the effect that the character of the locality will be seriously altered to the detriment of the amenities of the area.

471 Letters of Objection (448 of which are standard letters) & 1 additional standard letter of objection with 56 signatures

Site is currently used as a Nursery & Garden Centre, which has been part of the local

community for many years;

The nursery is a thriving business, supplying residents with very good products and services;

There is a need for the business and it would be devastating to lose it;

The centre is preferred by many to the larger Gardens Centres in the area, thanks to the knowledge, helpfulness and enthusiasm of the staff of this small business;

Tropikoi Aquatic and Angling Centre is one of only a few businesses in Bognor to be experiencing booming trade (up 30% June 09, V June 08).

Chalcroft Nursery and Garden Centre are also seeing rapid growth. Between the business, a dozen people are employed which looks to increase very soon.

Existing businesses do well due to good, honest and friendly service; parking; and location.

Ninety percent of custom comes from Bognor, Pagham, Rose Green, Chichester etc. not from outside the area;

Business provide a good public service and public want them here;

Tropikoi Aquatic and Angling Centre and garden centre have 6 years remaining on lease and are going no-where;

There are other proposed housing developments in the area, without losing this open site to houses over a much needed local business;

North Bersted is already overwhelmed by applications for new housing sites re the Site 6 development and the proposed development north of Chalcraft Lane for approximately 4,000 houses. The area cannot cope with all this development.

The site is part of the Strategic Gap and is not a building site;

Request that you consider that this planning has already been turned down and nothing has changed to justify the planning to be granted now. Also it is proposed that another 2,500 houses will be built on land adjacent to the nursery site;

Very unhappy that the estimated usage of the site was identified by using other Nurseries out of the area such as Winchester and Godalming. This is wholly unacceptable and cannot be accepted as correct;

Drainage and sewage is barely adequate;

Blockages have been experienced due to back up at the Stroud Green pumping station.

General drainage from the site with additional metalled surfaces and high water table will create its own problems;

The Cemetery site is already not usable during wet periods, development as large as this would make the problem much worse;

Concerns over flooding;

Surface water into existing drains would cause more flooding in Chalcraft Lane, as it already floods at the eastern end. Together with run off from Site 6, there are concerns;

Sewerage in Chalcraft Lane is pumped from Stroud Green and this pumping station could not take another 70 units as they already have problems;

Local facilities such as schools and Doctors surgeries are already at maximum capacity.

The access road would be onto Chalcraft Lane which is very heavily congested at times during the day and there have been a number of traffic accidents recently;

The amount of traffic using Chalcraft Lane has increased over the years to the point where people have great difficulty leaving and entering there property;

Another entrance with the possibility of more vehicles trying to enter Chalcraft Lane will only exacerbate problems;

Concerns over increased congestion;

Concerns over highway safety;

Should the Bognor Regis Eco Quarter be granted (which we hope will be thrown out) access from the site should be made through the new development and not onto Chalcraft Lane.

Chalcroft Nursery & Garden Centre now has a floristry section, Pet supplies dept and serves local nursing homes, with their fruit and vegetable requirements, along with stocking free range eggs, potatoes and a small selection of seasonal fruit and vegetables;

Business has been turned around and is at the heart of the community;
No need to drive to nursery due to delivery service;
Also sell on the internet and use a national courier service to supply;
Employ 4 full time staff and temporary seasonal workers;
Development would result in unemployment;
How is the planning permission to commence next March (2010) with businesses still holding current leases;
Concerns over loss of privacy to properties and gardens;
Concerns over overlooking effect;
Effect of parking to rear of site on neighbouring amenities of residential properties;
Classification of this site as agricultural/ horticultural land has not changed to a brownfield site as stated, therefore it should be retained as a garden centre with associated businesses;
Bus service is not frequent. Would be impossible to get to another quality nursery or aquatic centre by bus. A considerable proportion of the residents in the area are elderly and some do not drive cars but walk to the garden centre, or use a bicycle;
Parking provision is below Aruns standards;
Site contains features of ecological value, including tree lines boundaries, areas of scrub, grassland in the western part of the site and wet ditches containing standing water. The Wildlife and Countryside Act 1981 protects such species as great crested newts, which are known to breed on the adjacent land;
Trees in this area may be subject to Tree Preservation Orders;
It is also stated that the area is mainly used as weekends, this is not accurate as the area is used throughout the day by customers, not mainly at the weekend as stated;
Overall effect of this development will be to decrease the quality of life of those living in the area;
Cemetery is the main cemetery for Bognor and the future expansion requirements should take priority over housing whether affordable or not;
Concerns over increase vandalism;
Will lead to devaluation in property prices;
Three storey flats would be out of character with the area;
Concerns over effect on residential amenity, by loss of light, loss of views and overlooking effect;
Environmental concerns. There are protected plant species and wildlife present on the site;
There are four established businesses on site, which occupy at least half of the area of the site;
No surprise 5 year housing land supply is not being met given current economic situation.

Willowwhale Allotments Association

Objection:

Will destroy business successfully built up;
Members regularly buy garden and allotment supplies from Nursery and rely on garden centre for much of their requirements of seed, plants, compost and other garden essentials;
Would be difficult to obtain supplies from another more convenient store;

Comments on Representations received:

The majority of points raised, have been addressed within the conclusion section of this report.

The site is located outside the defined built-up area boundary and within a defined strategic gap.

It is noted that there have been previous refusals on this site. As part of this application, it will

be considered whether the current application has addressed any of these reasons for refusal and whether there have been any material planning considerations since this time that would warrant approval of the application.

The Environment Agency have raised no objection on the grounds of flooding.

With regard to the loss of the existing businesses on the site, the outstanding leases on the site are a private matter and outside planning control. DEV30 is not applicable in this circumstance as the proposal does not involve the change of use of the business from A1 retail. Notwithstanding this however, the intention of this policy is to protect local and villages centres that are considered to be of community benefit. Due to the isolated nature of the units of this site, it is not considered that they could be classified as being part of a village/local centre and there is therefore no policy within the Arun District Local Plan which would prevent the loss of these businesses.

Comments are awaited from West Sussex County Council in relation to highway safety, congestion and parking provision.

The agent has confirmed that he intends to submit a Section 106 Unilateral Undertaking prior to the application being considered by members at Development Control Committee. Contributions towards education will be secured through this S106 Unilateral Undertaking.

This is an outline application to consider the number of dwellings and the means of access to the site only. Layout, scale, appearance and detailed landscaping are all reserved matters. The Cemetery abuts the site to the south west side; whilst the northern and western boundaries adjoin undeveloped countryside. There are residential properties to the front east side of the site, adjacent to Chalcraft Lane. These properties are a mixture of one, two and two-and-a-half storey detached, semi-detached and terraced dwellings. At the closest point, the properties on the indicative layout (submitted as part of the application) are positioned some 18m from the side elevation of No. 76 Chalcraft Lane and 32m from the rear elevation of No. 94 Chalcraft Lane. These distances are considered to be acceptable in principle, however the effect of the development upon the residential amenities of neighbouring properties will be considered in more detail at the reserved matters stage.

The indicative plans show properties to be a maximum of 2.5 storeys in height. No three storey flats are detailed on the submitted indicative plans.

Landscaping will be considered in detailed at the reserved matters stage. West Sussex County Councils Ecologist and Natural England are satisfied that on the basis of the information available to them and the information submitted as part of the application is satisfactory. A detailed survey in relation to reptiles is recommended to be carried out prior to full planning being granted, as well as the imposition of an informative.

The application will be considered on its own individual merits and as submitted.

Devaluation of property prices and loss of private views are not material planning considerations.

CONSULTATIONS

WSSC Local Development Divis.
Southern Water Planning

Environment Agency
Natural England
Sussex Police-Community Safety
Parks and Landscapes
Property Services Manager
Engineers (Fluvial Flooding)
Planning and Housing Strategy
Bognor Regis Task Force
Local Plans

Consultations responses received:

Environment Agency

No objections in principle, to the proposal as submitted provided the 9 suggested conditions are imposed on any planning permission granted.

Southern Water

Following initial investigations, there is currently inadequate capacity in the local network to provide foul sewerage disposal to service the proposed development. The proposed development would increase flows to the public sewerage system, and existing properties and land may be subject to a greater risk of flooding as a result. Additional off-site sewers, or improvement to existing sewers will be required to provide sufficient capacity to service the development. Section 98 of the Water Industry Act 1991 provides a legal mechanism through which the appropriate infrastructure can be requested (by the developer) and provided to drain to a specific location.

The impermeable area survey plans indicate that the site may be connected to soakaways. It is recommended that storm flow should be connected to soakaways as per the existing site. Your Council's Building Control officers or your own engineers should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

Alternatively, it is recommended that surface water from the site should be drained by means of an outfall to the adjacent local land drainage watercourse. The Environment Agency and/or your Councils own technical staff should comment on land drainage, the adequacy of the local watercourses and the need for storm water storage.

Should this application receive planning approval, suggested condition and informative.

Natural England

Revised comments, following additional information from West Sussex County Council.

No Objection, subject to suggested condition/ informative.

The ecological scoping report attached to the application indicates that a number of further surveys should be undertaken in particular Great Crested Newt. However, large scale protected species surveys have already been undertaken in the area for the Site 6 North Bersted development which have indicated that it is unlikely that Great Crested Newts would be a significant issue for this development and therefore, following our standing advice an

informative could be appended to any consent stating that if any protected species are discovered during the course of the development, then works should cease and Natural England should be informed. This is also in line with ODPM circular 06/2005 paragraph 99 which states;

"However, bearing in mind the delay and cost that may be involved, developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by the development."

The surveys carried out for the North Bersted site do provide evidence of reptile populations in the area and given the suitable habitat on-site we would recommend a full reptile survey to be undertaken prior to full planning permission being given and ecological clerk of works be present during any clearance of the site.

Biodiversity comments

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The Council should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 14 of PPS9. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity. Section 40(3) of the same Act also states that conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat.

Sussex Police

Comment:

The proposed layout being a crescent with two cul-de-sacs off it creates good defensible space enabling residents to exercise control over their own environment and self police it. There is also good natural surveillance from one dwelling to another.

If or when the outline application is progressed, would refer the applicant to website www.securedbydesign.com where they will find information that will ensure a safe and secure scheme.

Engineers

Engineer drainage comments:

No Objection, subject to suggested condition.

The applicants Flood Risk Assessment states that there is a very high risk of groundwater flooding on this site. The Councils Strategic Flood Risk Assessment (SFRA) also confirms the High Groundwater Flood Risk as shown on map G1 of the SFRA. Any soakaways or SuDS infiltration system will need to be designed in accordance with BRE 365, and will require a minimum of 12 months groundwater monitoring to determine the highest position of the groundwater table on site, and then to build in a margin of safety to the base of any soakaways or SuDS infiltration system. The long term maintenance of any surface water disposal system will need to be considered and stating who or which organisation will take responsibility for the maintenance and how it will be funded.

The developer must make clear arrangements for the future maintenance of the ditches, and into whose responsibility the Riparian responsibilities (i.e. Land ownership) will be placed.

The Environment Agency should be consulted if the Developer proposes to discharge any flows into the drainage ditches.

Parks and Landscapes

Due to the layout of the open space, do not recommend approval.

The development site does not fall within any landscape designation. The assessment of the site identifies the site to be well contained visually. The provision of landscape plans must be conditioned with any permission as a reserved matter.

The tree survey information is noted and appears comprehensive. Tree and vegetation protection measures must be conditioned with any permission.

The amount of open space provision indicated is satisfactory in accordance with Council's guidance. The layout of the formal areas of the green space however is not satisfactory nor the location of the play area. These should be incorporated into the new development rather than act as a buffer at the rear of existing properties. The formal open space should be more closely associated with the informal green space. This will make more sense of these spaces extending and enabling their usefulness both for the public and biodiversity. Due to the proximity of water bodies a RoSPA assessment of open spaces would be required with the recommendations forming part of any permission.

In accordance with the Council's SPG a LEAP rather than the LAP indicated should be provided. The presence of a LAP is noted as part of the application. Depending on the detail of the LAP to be provided it may be suitable for off site contribution for play to be provided.

The ecological survey is noted. All recommendations must be conditioned with any permission.

Early indication of the expected maintenance and management of the open space should be provided and whether consideration to its transfer to the District Council within a S106 agreement.

Arboricultural Officer

Have had a look at the site and taken into account the comments from the Arboricultural report and am aware that there are not a large number of trees on the site which are worthy of retention. Any trees which are in the 'B' category should be considered. I note the area hatched which is presumably the root protection area, but am unable to comment further on this because of the very small print.

Request a plan of a scale which is easier to read and ascertain the exacting content of the site survey.

WSCC Landscape comments

No Landscape objection, subject to management of existing screening.

Chalcroft Nurseries site is enclosed and not visible from outside due to development on the eastern boundary and trees and hedgerows on the three other boundaries.

The tree and shrub survey is comprehensive and has identified the important trees of which there are few.

Whilst this site is outside of the built up area, it is well screened and potential development would not have any visual impact in the wider landscape provided peripheral trees and hedgerows are acknowledged in design proposals, with tree root areas protected as recommended in the CBA Report and management proposals including new planting are submitted to ensure that the existing screening is perpetuated.

Comments on Consultation responses:

The conditions/ informatives suggested by the Environment Agency, Natural England, and the Councils own Engineers will be added to any approval on the site.

The applicant will be advised of Southern Waters comments via an informative.

The applicant will be advised of Sussex Polices comments via an informative.

With regard to the comments received from WSCC Landscapes and the Councils Parks and Landscapes department, the application has been submitted in outline form with landscaping being a matter for consideration at the reserved matters stage. The agent has stated that there is no objection to provision of a LEAP as opposed to a LAP and is happy for a condition to be added accordingly. Further, the agent has confirmed that the client does not intend to offer the open space for adoption by ADC as they intend to make provision for a private management company to be established for this purpose funded and run by the future residents of the scheme once developed.

POLICY CONTEXT

Designation applicable to site:

Outside Built up Area
Class C Road

DEVELOPMENT PLAN POLICIES

South East Plan:	SESP1 SESP3 SEPCC1 SEPCC3 SEPCC4 SEPCC7 SEPH1 SEPH3 SEPH4 SEPH5 SEPT4 SEPSCT5 SEPSCT6	Sub Regions in the South East Urban Focus and Urban Renaissance Sustainable Development Resource Use Sustainable Design and Construction Infrastructure and Implementation Regional Housing Provision 2006-2026 Affordable Housing Type and Size of New Housing Housing Design and Density Parking Housing Distribution Affordable Housing
Arun District Local Plan:	GEN2 GEN3	Built-up Area Boundary Protection of the Countryside

<u>GEN5</u>	Provision of New Residential Development
<u>GEN7</u>	The Form of New Development
<u>GEN8</u>	Development and the Provision of Infrastructure
<u>GEN9</u>	Foul and Surface Water Drainage
<u>GEN12</u>	Parking in New Development
<u>GEN20</u>	Provision of Public Open Space within New Development
<u>AREA10</u>	Strategic Gaps
<u>DEV17</u>	Affordable Housing
<u>DEV18</u>	Affordable Housing Outside the Built Up Area

PLANNING POLICY GUIDANCE

PPS1	Delivering Sustainable Development
PPS3	Housing
PPS7	Sustainable development in rural areas
PPS9	Biodiversity & Geological Conservation
PPG13	Transport
PPG17	Sport and Recreation
PPS22	Renewable Energy
PPS23	Planning and Pollution Control
PPS25	Development and Flood Risk

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

The Councils SPG on Open Space and Recreation Standards is also a material planning consideration.

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 conflict with relevant Development Plan policies in that the application site is located outside the built up area boundary and within a Strategic Gap, as defined by the Arun District Local Plan.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

It is considered that weight must be given to the Regional Spatial Strategy which was introduced in this area in May 2009 in the form of the South East Plan. Policy SCT5 of the South East Plan states that local planning authorities should allocate sufficient land and facilitate the delivery of

11,300 dwellings in Arun between 2006 and 2026. Further, emphasis has been placed on achieving these figures through the creation of sustainable urban extensions. The South East Plan therefore acknowledges that a proportion of new development will take place on Greenfield land and indeed, makes reference to new urban extensions and development being concentrated within OR adjacent to the regions urban areas.

Further, there is currently some doubt over whether Arun District Council can achieve their five year housing land supply, due to the current economic situation and large developments such as the Site 6 development being yet to commence development. As a result, it is considered there is a need to look more favourably upon sites that may have previously been discounted purely due to their location outside the defined built up area boundary.

CONCLUSIONS

PLANNING HISTORY

There is extensive planning history on the site. The most recent and relevant of these applications sought outline permission for 132 affordable residential units and was refused planning permission on nine grounds.

The first three reasons related to the site being located outside the defined built up area boundary and within a designated strategic gap. The fourth and fifth reasons related to the absence of a Section 106 Unilateral Undertaking. Reasons six, seven and eight related to technical matters, whilst the final reason was concerned with the issue of precedent. These issues will be considered in detail in relation to this application.

SITE DESIGNATIONS

The application site is located outside the built-up-area boundary, as defined by the Arun District Plan, where development is generally not acceptable. The application is therefore a departure from the development plan.

It is acknowledged however that weight must be given to the Regional Spatial Strategy which was introduced in this area in May 2009 in the form of the South East Plan. Policy SCT5 of the South East Plan states that local planning authorities should allocate sufficient land and facilitate the delivery of 11,300 net additional dwellings in Arun between 2006 and 2026. Further, emphasis has been placed on achieving these figures through the creation of sustainable urban extensions.

An application for a lawful development certificate for an existing use as a Garden Centre, Aquatic Sales Centre and Nursery was approved in 2008 (planning ref: BE/156/07/CLE). At this time, the front portion of the site was clearly identified as being a garden centre and aquatic sales and therefore Use Class A1 retail use; whilst the rear portion of the site was labelled as a nursery. It is therefore considered that the front portion of the site can be classified as previously developed land whilst the rear portion is Greenfield. Policy SP3 of the South East Plan states that 60% of new development across the South East should be on previously developed land; however the policy also states that development should be concentrated within or adjacent to the regions urban areas. Further, development in and around urban areas, including urban infill/intensification and new urban extensions should be well designed and consistent with the principals of urban renaissance and sustainable development.

The South East Plan therefore acknowledges that a proportion of new development will take place on Greenfield land and makes reference to new urban extensions and development being concentrated within OR adjacent to the regions urban areas.

The site is identified as a Strategic Gap within the Arun District Local Plan. As part of the evidence for the development of the Local Development Framework, Arun District Council commissioned Hankinson Duckett Associates (HAD) August 2006 to carry out a landscape assessment. The aim of the study was to identify which areas of the District have capacity for development. The study also reviewed and considered the boundaries of Strategic Gaps.

The application site falls within the North Bersted Matrix. The report concludes that the landscape sensitivity for this area is Moderate, whilst the landscape value is Slight. As a result of this assessment the landscape capacity, which is the capacity for development, is Medium to high.

The HAD report also assessed the strategic gaps which form part of the current Local Plan policy with a view to future inclusion into planning policy. The report identifies that the Rose Green Coastal Plains and the North Bersted matrix do not make a significant contribution to the wider setting to Bognor Regis. They are not necessary to maintain visual separation between Chichester and Bognor Regis and their loss from the strategic gap would not erode the wider setting of either settlement. In the consultants view the strategic gap is not considered to have great value in its current form and its retention is not recommended. In light of this assessment, it is considered that the application could not be refused on these grounds.

5 YEAR HOUSING LAND SUPPLY

PPS3 states that Local Planning Authorities should identify specific deliverable sites to deliver housing in the first five years, in the form of a five year housing land supply.

There is currently some doubt over whether Arun District Council can achieve their five year housing land supply, due to the current economic situation and large developments such as the Site 6 development being yet to commence development.

In addition, Arun District Council has previously lost appeals for this reason, most notably Yapton Industrial Estate, Bilsham Road, Yapton (planning ref: Y/37/07/) and Land to the South of Hearnfield Road, Wick (planning ref: LU/85/08/). As a result, it is considered there is a need to look more favourably upon sites that may have previously been discounted purely due to their location outside the defined built up area boundary.

HOUSING DENSITY

The proposal seeks a net housing density of 31 dwellings per hectare. The application is therefore compliant with PPS3: Housing, which state that 30 dwellings per hectare should be used as a national indicative minimum. Further, saved policy GEN7 of the Arun District Local Plan states that development will be permitted provided it make efficient use of land and in the case of new residential development, achieves net densities of at least 30 dwellings per hectare. Although the proposal is close to these minimum requirement, it is considered that this is appropriate given the location of the site on the urban/ rural fringe.

RESIDENTIAL AMENITY AND CHARACTER OF THE AREA

The number of dwellings proposed and the means of access to the site from Chalcraft Lane, form part of the outline application with layout, scale, appearance and detailed landscaping being reserved matters.

Indicative plans have been submitted as part of the proposal, which demonstrate how the site could be laid out with up to 70 No dwellings. The indicative layout suggests a development comprising a mix of detached, semi-detached and some terraced two and three bed family houses. The agent has stated within the submitted information that properties will be a maximum of 2.5 storeys in height. The submitted Design and Access Statement states that the intention is to provide differing traditional styles in order to achieve visual interest in the street scene and provide an attractive environment for future residents.

The Cemetery abuts the site to the south west side; whilst the northern and western boundaries adjoin undeveloped countryside. There are residential properties to the front east side of the site, adjacent to Chalcraft Lane. These properties are a mixture of one, two and two-and-a-half storey detached, semi-detached and terraced dwellings. At the closest point, the properties on the indicative layout are positioned some 18m from the side elevation of No. 76 Chalcraft Lane and 32m from the rear elevation of No. 94 Chalcraft Lane. These distances are considered to be acceptable in principle, however the effect of the development upon the residential amenities of neighbouring properties will be considered in more detail at the reserved matters stage. The form, style and design of the properties will also be considered at the reserved matters stage; however the indicative layout is considered to be largely acceptable and the development would not it is considered detract from the character of the surrounding area.

It is therefore concluded on the basis of the information submitted that that the proposal would represent an acceptable form of development which would neither detract from the character of the surrounding area, nor cause demonstrable harm to the residential amenities of any neighbouring property.

RENEWABLE ENERGY

The agent has stated in his supporting design and access statement that the intention it to use 10% of their energy from decentralised sources. A sustainability rating of Code Level 3 is proposed for all housing on this site, which will be ensured through a condition.

The application is therefore fully compliant with Policy NRM11 of the South East Plan and PPS22, which seek to high levels of energy efficiency as part of new developments.

AFFORDABLE HOUSING

It is Council policy and a policy of the South East Plan that for a scheme of this size 40% affordable housing should be provided. The applicants agent has indicated that this provision is acceptable and will form part of the Unilateral Undertaking.

CONCLUSIONS

Taking into consideration the advise contained within the South East Plan and the increased emphasis on achieving higher housing figures in the Arun District in the coming years, together with the landscape assessment, it is considered that there have been a number of material

planning consideration since the previous refusals on this site to warrant approval of the application.

Due to there being doubt over whether Arun can achieve there five year housing land supply, there is a need for the deliverability of the site to be ensured through condition. For this reason it is recommended that the time limit condition which refers to development commencing on site should be reduced from 5 years to 2 years, with the reserved matters application being required to be submitted within 6 months of approval of this outline application.

It is therefore recommended that this application be approved subject to the conditions set out below, provided that a Section 106 Unilateral Undertaking is received which relates to affordable housing and all West Sussex County Council requirements by 1st September 2009. If no Section 106 Unilateral Undertaking is received by this date, then the application will be refused on the grounds of lack of infrastructure requirements.

Owing to the consultation response from West Sussex County Council still being outstanding, it is recommended that the decision be delegated to the Head of Planning Services in consultation with the Chairman of the Committee, in order that this further consultation response may be considered and any recommendations reflected in the officers decision.

RECOMMENDATION

APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT

- 1 The permission hereby granted is an outline permission under Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995 and an application for the approval of the Local Planning Authority to the following matters must be made not later than the expiration of 6 months 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 begin not later than two years from the date of approval of the last of the reserved matters to be approved.

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 Before the development is commenced, details of the means of surface water drainage shall be submitted to and approved in writing by the local planning authority. The details shall include taking into account the level of the groundwater table, which must be monitored for a minimum period of twelve months, and details for the responsibility of the future maintenance arrangements of any proposed SuDS scheme supplied.

This surface water drainage scheme must detail or demonstrate:

1. The peak discharge rates and together with associated control structures and their position.
2. Details of the drainage system capacity (e.g. 1:30 year).
3. Safe management of critical storm water storage up to the 1:100year event.
4. Overland flow routes for events in excess of the 1:100 (20% Climate change).
5. Provide topographical information of pre and post development.
6. Details of agreed adoption, monitoring and maintenance of the drainage and suds features.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To ensure that the proposed development is satisfactory drained and to prevent flooding by ensuring the satisfactory storage of/disposal of surface water in accordance with the requirements in Planning Policy Statements 23 and 25, Policy NRM4 of the South East Plan, and GEN7, GEN9 of the Arun District Local Plan.

- 4 Construction of the development shall not commence until details of the proposed means of foul water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

Reason: To prevent flooding by ensuring the satisfactory storage/ disposal of foul in accordance with the requirements in Planning Policy Statements 23 and 25 and Policy NRM4 of the South East Plan.

- 5 The development hereby permitted shall not be commenced until such time as a scheme to treat and remove suspended solids from surface water run-off during construction works has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reason: The development site is bordered by drainage ditches on three sides. Excessive suspended solids could reduce drainage capacity within the ditches leading to localised flooding which Planning Policy Statements 23 and 25 and Policy NRM4: Sustainable Flood Risk Management of the South East Plan 2009 require us to address. Soil from the development site could be contaminated with herbicides / pesticides / hydrocarbons etc. from the existing businesses.

- 6 Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors

- potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure this development proceeds in accordance with the requirements of PPS23. The historic uses of the site mean there is potential for land contamination to be present. The applicant suspects contamination on all or part of the site and the desk study has identified potential sources. Due to the location of the site on a secondary aquifer in an area of high groundwater, and adjacent to a number of surface watercourses, the risks to controlled waters from any contamination at the site must be fully investigated and understood.

- 7 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.

Reason: To ensure the satisfactory remediation of the site, if deemed necessary, in accordance with the requirements of PPS23.

- 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 protect controlled waters from contamination in accordance with the principles of PPS23. Due to the historic uses of the site, there may be areas of contamination on site that are not identified and characterised during intrusive site investigations.

- 9 No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable

risk to controlled waters.

Reason: To protect controlled waters from contamination in accordance with the principles of PPS23.

- 10 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To protect controlled waters from contamination in accordance with the principles of PPS23. Piling can create pathways for contamination to reach groundwater and thereby surface waters.

- 11 The development permitted by this planning permission shall only be carried out in accordance with the approved Ecological Scoping Survey Report 30th March 2009 / 09_238_Report_MF_SJ / GreenLink Ecology Ltd.

As detailed in section 5.1.1 of the report a Reptile Survey shall be carried out and submitted to the Local Planning Authority prior to a reserved matters application being submitted in relation to this site. If Reptiles are present, a mitigation strategy shall be submitted for approval to the local planning authority, and thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority.

Reason: This condition is necessary to ensure that Reptiles and its habitat is protected both within and adjacent to the development site. Without this condition, it is possible that avoidable damage could be caused to the nature conservation value of the site contrary to national planning policy as set out in Planning Policy Statement 9 and Planning Policy Statement 1. The applicant could also be liable to criminal prosecution under the Wildlife and Countryside Act 1981 (as amended by CROW 2000) and the Habitats Directive regulations for European Protected species.

- 12 No building or development shall take place until a scheme for the provision and management of a buffer zone alongside the watercourses located adjacent and within the site has been submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The scheme shall include:

- plans showing the extent and layout of the buffer zone
- details of the planting scheme (for example, native species)
- details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term
- details of any footpaths, fencing, lighting etc.

Reason: Development that encroaches on watercourses / wetland areas has a potentially

severe impact on their ecological value. This is contrary to government policy in Planning Policy Statement 1 and Planning Policy Statement 9 and to the UK Biodiversity Action Plan. Land alongside watercourses is particularly valuable for wildlife and it is essential this is protected. Article 10 of the Habitats Directive also stresses the importance of natural networks of linked corridors to allow movement of species between suitable habitats, and promote the expansion of biodiversity. Such networks may also help wildlife adapt to climate change.

- 13 No development shall be carried out until all buildings and structures existing on the application site at the date of this permission have been demolished, the debris removed from the site and the site cleared.

Reason: In the interests of the amenities of the locality in accordance with policy GEN7 of the Arun District Local Plan.

- 14 The dwelling(s) shall achieve Level 3 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 3 has been achieved

Reason: In order to achieve a sustainable development in accordance with PPS1 and policies CC1 and CC4 of the South East Plan.

- 15 At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low-carbon energy sources (as described in the glossary of Planning Policy Statement: Planning and Climate Change (December 2007)). 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 1]. 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 policy NRM11 of the South East Plan and PPS22.

- 16 Prior to the commencement of development, plans detailing a footpath link from the public highway to the existing public footpath at the northern corner of the site, incorporating a footbridge over the existing drain shall be submitted to and approved in writing by the Local Planning Authority. The footpath shall thereafter be constructed on site and retained in perpetuity.

Reason: To create greater connectivity between the site and the surrounding area in accordance with Policy GEN7 of the Arun District Local Plan.

- 17 The access road to the west side of the application site shall be extended upto the western edge of the red line, which is detailed on drg no. 28.2008.04 and retained in perpetuity.

Reason: To create greater connectivity between the site and the surrounding area in accordance with Policy GEN7 of the Arun District Local Plan.

- 18 The maximum number of dwellings hereby permitted is 70 and the details of the layout of

the development to be submitted as a reserved matter in compliance with Condition 1 shall provide sufficient information to demonstrate that the site will be developed at minimum net site density (calculated in accordance with the definition of same as defined in Annexe B to PPS3 Housing) of 30 dwellings per hectare.

Reason: For the avoidance of doubt as this is the maximum number of dwellings applied for and to comply with policy GEN7 of the Arun District Local Plan and PPS3.

- 19 No dwelling, hereby approved, shall be occupied until the off-site highway pedestrian improvement works have been provided in accordance with the approved plan drawing number 2009/1046/001 and detail design drawings to be submitted to and approved by the planning authority in consultation with West Sussex County Council as highway authority.

Reason: To provide improved pedestrian access to the site in accordance with sustainable travel objectives and Policy CC7 of the South East Plan

- 20 No development, hereby approved, shall be commenced until the proposed site access road junction onto Chalcraft Lane has been provided in accordance with the approved drawing number 2009/1046/002.

Reason: To provide vehicular and pedestrian access to the dwellings, in the interests of road safety, in accordance with policy CC7 of the South East Plan.

- 21 No development, hereby approved, shall be commenced until visibility splays 2.4 metres x 43 metres have been provided at the centre of the proposed site access road junction with Chalcraft Lane in accordance with the approved drawing number 2009/1046/002. These splays shall thereafter be kept clear of all obstructions to visibility over a height of 0.6 metre above the adjoining footway level.

Reason: In the interests of road safety in accordance with policy CC7 of the South East Plan.

- 22 The existing site vehicular access onto Chalcraft Lane shall be stopped up and reinstated to a full kerb height footway immediately upon completion of the approved site vehicular access road junction onto Chalcraft Lane.

Reason: In the interests of highway maintenance and road safety, in accordance with policy CC7 of the South East Plan.

- 23 If the foundation and services (sewers etc) extend below ground deeper than 2.5 metres, an archaeological investigation of the site shall be carried out at the expense of the developer in accordance with a specification to be submitted to and agreed by the Local Planning Authority in writing (following the demolition of any existing buildings and) before the commencement of any building works.

Reason: The site is of archaeological significance and it is important that it is recorded by excavation before it is destroyed by development in accordance with policy AREA 17 of

the Arun District Local Plan.

- 24 **INFORMATIVE:** Summary of Reasons for Grant Article 22(1) General Development Procedure Order 1995

SUMMARY

This planning permission was granted because, although the proposed development does not comply with the policies in the Development Plan Listed below in that the application site is located outside the defined built up area boundary, there are material considerations which indicate that it can be granted. These material considerations are that weight must be given to the Regional Spatial Strategy which was introduced in this area in May 2009 in the form of the South East Plan. Policy SCT5 of the South East Plan states that local planning authorities should allocate sufficient land and facilitate the delivery of 11,300 net additional dwellings in Arun between 2006 and 2026. Further, emphasis has been placed on achieving these figures through the creation of sustainable urban extensions. The South East Plan therefore acknowledges that a proportion of new development will take place on Greenfield land and indeed, makes reference to new urban extensions and development being concentrated within OR adjacent to the regions urban areas.

Further, there is currently some doubt over whether Arun District Council can achieve their five year housing land supply, due to the current economic situation and large developments such as the Site 6 development being yet to commence development. As a result, it is considered there is a need to look more favourably upon sites that may have previously been discounted purely due to their location outside the defined built up area boundary.

RELEVANT POLICIES

LOCAL PLAN: GEN2, GEN3, GEN5, GEN7, GEN8, GEN9, GEN12, GEN20, AREA10, DEV17, DEV18.

SOUTH EAST PLAN: SP1, SP3, CC1, CC3, CC4, CC7, H1, H3, H4, H5, T4, T5, T6.

NATIONAL POLICIES: PPS1, PPS3, PPS7, PPS9, PPG13, PPG17, PPS22, PPS23, PPS25.

This paragraph is to comply with Article 22 General Development Procedure Order 1995

- 25 **INFORMATIVE:**

The applicant/ developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Atkins Ltd, Anglo St. James House, 39A Southgate Street, Winchester, SO23 9EH (Tel: 01962 858688), or www.southernwater.co.uk

- 26 **INFORMATIVE:**

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

27 INFORMATIVE:

The applicant is advised that if any protected species are discovered during the course of the development, then all works must cease on site and Natural England should be informed immediately.

28 INFORMATIVE:

The applicant is advised of the comments received from Natural England, which reads as follows:-

'This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes'.

29 INFORMATIVE: The buildings shall not be occupied until the crossing between the boundary of the site and the adjoining carriageway has been laid out and constructed to a specification to be agreed with the Local Planning Authority. Details of the specification may be obtained from the Area Engineer, West Sussex County Council, Area 1, Drayton Depot, Drayton Lane, Chichester. Telephone: 01243-836900 or from West Sussex County Council, County Surveyors Department, County Hall, Chichester. Telephone: 01243-777921.

30 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.

31 INFORMATIVE: The applicant is advised that, as from 6 April 2008, the submission of a 'Site Waste Management Plan' (SWMP) is mandatory for all construction projects in England with a project cost greater than £300,000 (excluding VAT) under the provisions of Section 54 of the Clean Neighbourhoods and Environment Act 2005. Further information on the requirements of SWMPs and how they should be applied in practice can be obtained from DEFRA, 6/F7 6D, Ergon House, Horseferry Road, London, SW1P 2AL, Tel. (0207) 2384847 or at their website: www.defra.gov.uk/constructionwaste

32 INFORMATIVE:

As part of the reserved matters application, a revision to the indicative layout of the development must be submitted to ensure that formal open space and the LEAP does not back onto existing residential properties and that the formal and informal open space be more closely associated.

33 INFORMATIVE:

The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with West Sussex County Council, as Highway Authority, under Section 278 of the Highways Act 1980 to ensure

the satisfactory completion of the site access road junction onto Chalcraft Lane and the associated off-site pedestrian improvements. Further details can be obtained from the Agreements officer, Local Development Division, Implementation Team, West Sussex County Council, County Hall, Chichester, PO19 1RH (Tel no: 01243 777251).

34 INFORMATIVE:

The applicant is advised that due to the proximity of water bodies, a RoSPA assessment of the open spaces would be required to be carried out. The applicant is advised to contact RoSPA on this matter.