

Report following a request for further information, negotiations or consultation

**REF NO:** BN/46/25/PL  
**LOCATION:** Land South of Wandleys Lane  
Eastergate  
**PROPOSAL:** Application for construction of 10 No. dwellings with new access from Wandleys Lane, landscaping and areas for ecology & amenity space. This application is a Departure from the Development Plan and is in CIL Zone 3 and is CIL Liable as new dwellings.

Reason for Update/Changes:

Highways Impact

Following the deferral of the application at the last Planning Committee (6/8/25), a brief was issued for a review of the highways information submitted with the application and the responses received from WSCC Highways and National Highways.

The independent transport review concludes that the proposed development served via a new access from Wandleys Lane presents no highways reasons for refusal.

Their views concur with the response provided by WSCC Highways that raises no objection subject to a conditions.

The transport consultants have highlighted a slight discrepancy regarding the necessary and demonstrated visibility splays and recommend a condition or a new plan be provided to address this. An amended plan was received and has been updated to the list of approved plans under 'Proposed Site Plan - 230010 05 B'. This shows the visibility splays at 2.4m x 43m in line with guidance.

## REPORT UPDATE

Application No: BN/46/25/PL

### Reason for the Update / Changes

Reason for Update/Changes:

Additional consultation comments were received from WSCC Minerals and Waste. They offer no objection. Given the limited site area and standoff for environmental constraints (including the tree line to be retained along the north-western boundary and nearby neighbouring residences to the east), it is unlikely that any significant quantities of the mineral resource would be recoverable in this case.

**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 Report for Planning Permission

REF NO: BN/46/25/PL

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Eastergate  
PO20 3SE

PROPOSAL: Application for construction of 10 No. dwellings with new access from Wandleys Lane, landscaping and areas for ecology & amenity space. This application is a Departure from the Development Plan and is in CIL Zone 3 and is CIL Liable as new dwellings.

<b>SITE AND SURROUNDINGS</b>
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DESCRIPTION OF APPLICATION	The dwellings consist of 2 x 4 bed, 6 x 3 bed, 2 x 2 bed and are all detached or semi-detached two storey dwellings.
SITE AREA	0.43 ha
TOPOGRAPHY	Predominantly flat.
TREES	There will be trees removed to accommodate the proposals which are not subject to a Tree Preservation Order (TPO).
BOUNDARY TREATMENT	The site has a mixture of hedging, fencing and trees along the boundaries.
SITE CHARACTERISTICS	The site forms grassland and has a dilapidated stable. The site forms part of a larger field.
CHARACTER OF LOCALITY	The area is semi-rural, outside the village centres of Eastergate and Walberton in a rural area but one in which there is sporadic ribbon development along the Lane comprising residential dwellings. A caravan park is to the eastern boundary of the site. Holmdale, a larger housing development is situated to the north.

## REPRESENTATIONS

Barnham Parish Council - objection.

- Although it is an allocated site, policy H1 clearly states that development will only be supported if it complies with the plan. The committee therefore cannot support the proposed development as it is not in line with Neighbourhood Plan policy H1, section 9.5.
- Concerns around the safety of pedestrians, cyclists and horse riders.
- Wandleys Lane is an ancient lane and it does not feature a continuous footpath.
- Not possible to install a safe walking route from the development to the pavement of Fontwell Avenue.
- The Committee would like to see the whole site come forward as one application.

14 letters of objection

- There are too many houses down this road already.
- There is no path.
- Wildlife will be removed.
- Traffic congestion will increase.
- Pollution during construction will affect nearby resident with medical condition leading to significant impacts.
- It would result in an increase to flooding in the area with more properties using the drainage system.
- The villages will join up to create a town.
- There are lots of empty new homes.
- Will the houses be affordable.
- Insufficient infrastructure to support the dwellings.
- The area can't accommodate more housing.

### COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted and addressed in the conclusion.

A condition is included which requires details to be provided prior to commencement with regards to construction set up. This includes the measures that will be used to minimise suppression of dust and dirt arising from the site, affecting nearby residents along with the noise and vibration generated by the construction process.

## CONSULTATIONS

### CONSULTATION RESPONSES RECEIVED:

Sussex Police - Comments provided regarding general design principles that should be adopted to help to reduce crime and antisocial behaviour Full comments can be viewed online.

South Downs National Park Authority - No objection raised in regards to the impact on the setting of the National Park.

Archaeology - No objection subject to a condition securing a programme of archaeological investigation.

ADC Ecology - No objection subject to condition for lighting and enhancements.

Southern Water - Request a condition for details of foul and surface water sewerage details.

National Highways - No objection.

WSSC Surface Water Drainage (LLFA) - No objection subject to conditions relating to pre commencement details for surface water drainage.

WSSC Minerals and Waste - No objection subject to Arun being satisfied the land is Previously Developed Land.

Portsmouth Water - No objection subject to conditions for drainage and piling details.

Environmental Health - No objection subject to conditions for noise, lighting and construction management plan.

Natural England - No objection.

WSSC Highways - No objection subject to a conditions for a construction management plan.

ADC Parks and Landscape - No objection subject to submission of a landscaping scheme.

ADC Tree Officer - No objection subject to conditions.

#### COMMENTS ON CONSULTATION RESPONSES:

Comments noted. The applicant was requested to provide additional information regarding mineral safeguarding as the land is not considered previously developed. This has been submitted and further comments are awaited from WSSC Minerals and Waste.

#### POLICY CONTEXT

Outside Built Up Area Boundary

Area of Special Advert Control

Prone to Groundwater Flooding

Source Protection Zone

Lidsey Treatment Catchment

WSSC Mineral Consultation Area

#### DEVELOPMENT PLAN POLICIES

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

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
QEDM2	QE DM2 Light pollution
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
TSP1	T SP1 Transport and Development

WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WSP1	W SP1 Water

<a href="#">Barnham &amp; Eastergate Neighbourhood Plan 2019</a> <a href="#">POLICY ES10</a>	Trees and Hedgerows
Barnham & Eastergate Neighbourhood Plan 2019 POLICY ES16	Dark night skies
Barnham & Eastergate Neighbourhood Plan 2019 POLICY ES17	Singleton and Cocking Tunnels SAC
Barnham & Eastergate Neighbourhood Plan 2019 POLICY ES1b	Reducing Flood Risk
Barnham & Eastergate Neighbourhood Plan 2019 POLICY ES1c	Sewage
Barnham & Eastergate Neighbourhood Plan 2019 POLICY ES5	Quality of design
Barnham & Eastergate Neighbourhood Plan 2019 POLICY GA4	Parking and new development
Barnham & Eastergate Neighbourhood Plan 2019 POLICY H1	Housing
Barnham & Eastergate Neighbourhood Plan 2019 POLICY H8	Settlement boundary

**PLANNING POLICY GUIDANCE:**

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

**SUPPLEMENTARY POLICY GUIDANCE:**

SPD11	Arun Parking Standards 2020
SPD13	Arun District Design Guide (SPD) January 2021

**POLICY COMMENTARY**

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan and Made Neighbourhood Development Plans. The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

**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 conflicts with Arun Local Plan policy C SP1 in that it is outside the built up area boundary and it conflicts with Policy H1 of the Barnham and Eastergate Neighbourhood Plan as it does not comply

with Site 1 allocation criterion b. (not delivered as one site) and c. (access not off Fontwell Avenue).

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

- (2) in dealing with an application for planning permission the authority shall have regard to -
- (a) the provisions of the development plan, so far as material to the application,
  - (aza) a post examination draft neighbourhood development plan, so far as material to the application,
  - (b) any local finance considerations, so far as material to the application, and
  - (c) any other material considerations.

### **OTHER MATERIAL CONSIDERATIONS**

There are other material considerations to be weighed in the balance with the Development Plan and these are set out in the conclusions section below.

### **BIODIVERSITY NET GAIN**

This application is liable for Biodiversity Net Gain (BNG) and will provide the following

- 17.7% increase in habitat units
- 10.45% increase in hedgerow units.

### **CONCLUSIONS**

#### **PRINCIPLE**

The site is outside of the Built-Up Area Boundary (BUAB) as defined in C SP1 of the Arun Local Plan (ALP) and as per the settlement boundary of the Barnham and Eastergate Neighbourhood Plan 2 (BENDP2).

Policy H8 of the BENDP2 states land outside of the settlement boundary is considered to be countryside and development will only be allowed if it is the subject of a specific policy in the BENDP2 or can demonstrate a need to be located in the countryside. The proposal is subject to a specific policy namely policy H1 (Site 1), an allocated site (North of Spode Cottage), for a total of 38 dwellings, meaning that in principle, development of the site for dwellings is accepted, subject to consideration against other policies in the ALP and BENDP2 covering such issues as design, visual amenity/character, residential amenity, and transport impacts. This application proposes 10 of the 38 dwellings noted within Site 1 as the site falls under two separate ownerships.

The NPPF presumption in favour of sustainable development states where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date (including for applications involving the provision of housing where a 5-year HLS cannot be demonstrated), planning permission should be granted unless (ii) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole. This will be assessed at the end of the report.

The site is in a sustainable location. It would be possible to walk to Eastergate where there is a secondary school and other facilities such as a Sports Centre, petrol station and shop. These service are located within an 800m walk which is recommended in the National Design Guide. The Croft Medical Centre is within this distance. A pub is around 600m to the north of the site. There are bus stops located along Fontwell Avenue with the closest being a 5 minute walk which provides transport to Littlehampton and Chichester for access to wider services. Barnham Railway Station is around a 40 minute walk from the site.

It is acknowledged that there is approximately 100m from the access of the development onto Wandleys Lane to Fontwell Avenue where there is no dedicated footpath. The layout of the scheme provides future opportunity for a pedestrian and a cycle link at the southern end of the internal access road. This would enable connectivity between Wandleys Lane and Fontwell Avenue when the southern part of the site comes forward. It is noted that two other applications for housing (WA/35/23/OUT at Land East of Wandleys Lane and WA/22/15/OUT Land East of Fontwell Avenue) have been approved on appeal further north on Wandleys Lane and these were deemed a suitable location.

#### COMPLIANCE WITH POLICY H1 (SITE 1)

The policy states: Development proposals will be supported provided that the requirements included but not limited to the below are met:

a. The residential scheme delivers approx. 38 dwellings comprising a mix of open market, affordable and Community Land Trust homes;

- Due to the number of properties proposed in this application, a mix of affordable units are not required.

b. The development of the two parts of the site are delivered as one cohesive design;

- The policy requires the two sites to be developed as one however, the different parts of the site are within separate land ownership and this has an impact of how they can practicably be delivered. Whilst the site does not deliver the full allocation as one design, the layout has been designed to allow for an access to join up to the southern part of the site at a later date. This would help to deliver a cohesive layout however currently it does not technically comply with (b).

c. Vehicular access is off Fontwell Avenue with pedestrian and cycle access from Eastergate Lane to a specification to be agreed with the Highways Authority;

- The development does not propose access off Fontwell Avenue. This is as a result of the ownership of the site with the northern part of the site coming forward first, this is not achievable. The development does not comply with (c).

d. Dwellings must be no more than two storeys and complement the topography of the site;

- All the dwellings are two storey and complies with this criteria. The site levels will remain similar to the existing levels. The proposal complies with (d).

e. Adequate parking, including disabled visitor parking, must be situated within the curtilage of individual plots. Visitor parking must be pepper-potted throughout the development.

- The proposal delivers the required number of parking spaces as per the Arun Parking SPD. The allocated parking spaces are provided within carports or parking bays located to the front or sides of the dwellings and therefore within individual curtilage. The proposal complies with (e).

f. The existing tree and hedge screen is retained and improved except where the new access point is made;

- The existing hedging and trees along the frontage of the site adjacent to Wandleys Lane will predominately be retained. New planting will be incorporated across the site to ensure the green character is maintained. The proposal complies with (f).

g. Occupation of development is phased to align with the delivery of sewerage infrastructure;

- Due to the limited number of dwellings being delivered under this application, it will not be via a phased approach. A condition is included for details of foul water design to be submitted prior to commencement. The proposal complies with (g).

h. Future access to existing waste water infrastructure must be ensured for maintenance and upsizing purposes;

- As there is no main public sewer located on the site, the development will connect to the public sewers located in the adjacent highway. The proposal complies with (h).

i. All other relevant policies in this Plan are met.

- The report below discusses compliance with other policies in the plan.

#### DESIGN AND VISUAL AMENITY

Para 135 of the NPPF details design requirements for new developments. ALP policy D DM1 considers aspects of form and design quality. ALP Policy D SP1 requires that development proposals make efficient use of land but reflect the characteristics of the site and local area.

Policy ES5 of the BENDP2 refers to design quality and reflects the context and type of landscape where development is located.

The Arun Design Guide (ADG) provides detailed guidance that seeks to raise design standards. Section P refers to infill development and states that the scheme should emulate the established pattern of building height, scale, plot width, boundary treatment. Consideration must also be given to effects on the existing character and appearance of the streetscape and how this may be enhanced or preserved.

The development proposes 10 dwellings. The site will be laid out with 3 dwellings located to the north, 3 to the east and 4 to the south. These consist of detached and semi-detached properties. Plot 1 would be visible when entering the site, this is set back 12m from the boundary, however has been designed in such that its principle elevation fronts the boundary, which is in keeping with other properties along Wandleys Lane. This complies with the ADG in such that 'building layout and orientation should be used to respect and relate sensitively to this setting'. The dwelling will have traditional features such as a canopy porch and will be of flint construction, which supports its appearance as a feature building.

The ADG suggests a density for village locations of 15-25 dwellings per hectare for detached/semi-detached houses. The density for this development would be 23dph. This is on the higher end of the scale, although does comply with the guidance.

Properties in the wider vicinity are varied in design and appearance, although are predominately detached of two storey scale. The proposal is in keeping with the wider area with some variation provided across the site, with gable and hipped roofs with small dormers and a variety of materials. These consist of flint work, timber cladding, painted brickwork and plain clay tiles. Detailing such as brickwork arches, canopy porches, bay windows and grey windows are also proposed. The design proposed is reflective of their rural context and is appropriate.

The properties will have a small front garden, in compliance with the ADG and will feature native amenity planting. There are no requirements for on-site provision of open space due to the size of the development proposed, however some green space has been demonstrated on the plans to the northern boundary which helps provide some separation between the dwellings and Wandleys Lane.

There is a gated entrance onto the site, although a new access will be created slightly further to the west. This will be a shared surface, entering the site and extending south. Parking is to the front of the dwellings and via tandem spaces to the side of the properties. A garage and 4 car ports are also proposed. The location of the parking is acceptable and has been softened with landscaping/hedging.

The development would respond positively to the character of the area, provide a density, design and materials palette which would sit well within its context, and result in a scheme which is in accordance with ALP policies D SP1 and D DM1, Policy ES5 of the BENDP2, the ADG and the NPPF.

## RESIDENTIAL AMENITY

Policy QE SP1 of the ALP requires all development to contribute positively to the quality of the environment and ensure that development does not have a significantly negative impact upon residential amenity. Policy D DM1(3) indicates planning permission will only be granted where it has minimal impact on the users or occupiers of nearby land. ALP policy D DM1 requires there be minimal impact to users and occupiers of nearby property and land.

The ADG sets out the following guidance on interface distances between houses:

- Back-to-Back: min. 21m between habitable rooms of properties or to existing buildings.
- Back/Front to Side: min. 14m between habitable rooms and side gable of adjacent property.
- Front to Front: min. 16m between habitable rooms of properties facing each other.
- Back to Boundary: min. 12m between habitable rooms and site boundary to existing landscaping.

The ADG states development should 'protect residential amenity including access to outdoor space, privacy, and freedom from unacceptable levels of noise and overshadowing'.

Fontwell Cottage sits to the northeast of the site. This is a two-storey building and is approximately 5.5m from the boundary. Plot 2 is closest to this neighbouring dwelling and retains 21m from its first-floor rear facing windows to this property, furthermore views are also slightly angled and not direct. Plot 3 has one first floor window which faces this property although this will serve an en-suite and with 16m separation, this is acceptable. The new dwellings would not result in adverse views upon this property.

To the eastern boundary of the site is Wandleys Caravan Park. There are 3 mobile homes that are located within 1.3-1.8m from the boundary and are situated to the rear of plots 4 and 5. There are 5 first floor windows that look east towards the mobile homes. Whilst these windows would give rise to some overlooking which is not currently achieved, this is not adversely harmful. The mobile homes are single storey and as a result there would be no views achievable at first floor level and ground floor views would be largely intercepted by boundary treatment. Plot 4s and 5 also have sufficient garden depths of between 12.1- 12.5m and this complies with the back to boundary separation as per the ADG. The development may however give rise to some overshadowing in the evening upon the mobile homes as a result of the position of the dwellings to the west, where there is currently no built form. This is unlikely to be significant. The development would not result in harm upon other neighbouring dwellings owing to the separation retained and sufficient boundary screening around the site.

With regards to the interface separation within the site. 14m is retained between the front to front of Plot 3 and 4. This should be 16m and is slightly short of guidance however there is a road between which further reduces the visibility between the properties, and the shortfall is acceptable. The remaining plots comply with the recommended interface distances provided and is acceptable.

The proposal would not result in adverse harm upon neighbouring occupiers and complies with ALP policy D DM1, D SP1 and QE SP1 and the guidance within the ADG.

## SPACE STANDARDS

ALP Policy D DM2 states that the planning authority will require internal spaces to be of an appropriate size and that the Nationally Described Space Standards (NDSS) apply.

The proposal seeks 2 x 4 bed, 6 x 3 bed, 2 x 2 bed and the internal space complies with national space requirements.

The supporting text to ALP policy D DM2 refers to the ADG which include guidance on external space standards, and the need for applications to have regard to include adequate provision of private external

space.

Policy H.04 of the ADG advises that outdoor amenity spaces should be of an appropriate size and shape and be usable and enjoyable. It states that rear gardens should have a minimum depth of 10.5m and buildings should be set back by 2m from the plot boundary to mark defensible space.

The dwellings all have at least a 2m front garden and a rear garden which meet or exceed the 10.5m guide. The gardens are sufficient in size and provide an acceptable amount of external amenity space.

The proposal complies with ALP policy D DM2 and the ADG.

#### **PARKING/HIGHWAYS**

ALP Policy T SP1 supports development which incorporates appropriate levels of parking in line with WSCC guidance on parking provision. Arun has its own adopted Parking Standards SPD.

Regard should be had to para 116 of the NPPF which states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Policy GA4 of the BENDP2 states that development proposals will be supported only if they include the maximum level of off-street parking consistent with the most current standards.

A new bell mouth access is proposed onto Wandleys Lane. The site has an gated vehicular access from Wandleys Lane and the proposed access is to be slightly further west than the existing. This is as a result of its proximity to the access opposite serving Holmdale. The access road will be 4.8m wide which will allow for 2 cars for pass each other.

The internal layout will be provided as a shared use surface. The site plan demonstrates a footpath to the north which would link with the footway at Holmdale opposite and is a positive. The layout has been designed in such that it would provide an opportunity for a pedestrian and a cycle link at the southern end of the internal access road to join up with the wider site. This would enable access to the adjacent wider allocation to the south and would support compliance with criterion b of Policy H1 which requires the development of the two parts of the site are delivered as one cohesive design.

WSCC Highways raise no objection. It has been demonstrated that refuse and fire vehicles can enter and exit the site. Trip generation data predicts 46 traffic movements a day and WSCC Highways confirm this not considered to cause adverse highway capacity impacts.

The Arun Parking SPD states that dwellings in Parking Zone 2 should provide 2 parking spaces for each 1-3 bed dwellings and 3 parking spaces for 4+ bedroom dwellings.

There are two 4 bed properties and these require 3 spaces each. Plot 10 has 3 on plot parking spaces to meet this requirement and also has a garage. Plot 3 has 2 parking spaces and a car port. The garage and car port each measure 6 x 3m. As per the Parking Standards 'If garages meet this requirement, they will be regarded as an allocated parking space of 0.5 but a car port or parking space of this dimension would count as 1 parking space, therefore they provide the required parking provision.

The remaining plots all provide 2 parking spaces via a variety of frontage parking, on plot parking and x 2 car ports. This complies with requirements. In addition to the above, visitor parking will be required to be provided at a ratio of 20% of the total number of residential units. This would require 2 visitor parking spaces, and these spaces are demonstrated on the plan towards the entrance of the site.

The plans show cycle parking is provided in the rear garden. Each dwelling has an external gate to

access to this. Electric vehicle charging points should be provided at a rate of 1 per house with a garage or parking space, as per the Council's Parking Standards and this will be conditioned.

Policy H1 (Site 1) of the BENDP2 includes site-specific criterion that that must be addressed as part of proposals for new housing. One of the which is that (c) vehicular access is off Fontwell Avenue with pedestrian and cycle access from Eastergate Lane to a specification to be agreed with WSCC Highways. The development does not accord with this as access is from Wandleys Lane. The Planning Statement notes 'this is owing to the two parcels being in separate ownership and the legal practicalities of combined delivery', therefore restricting compliance with this. It is unclear when the remainder of the site will come forward and without the other parcel, access onto the site from Fontwell Avenue is not achievable. WSCC Highways have no highway concerns with access from Wandleys Lane.

The proposal complies with the Arun Parking Standards and provides the recommended levels of parking and would not result in significant harm upon the highway in compliance with ALP policy T SP1, it does however not comply with (c) of policy H1 (Site 1) of the BENDP2.

#### FLOOD RISK AND DRAINAGE

ALP policy W DM2 refers to the sequential and exceptions tests, need for a Flood Risk Assessment (FRA) and mitigation. Policy ECC SP1 states development must be located & appropriately designed to adapt to impacts arising from climate change such as the increased probability of tidal and fluvial flooding. Policy W DM3 of the ALP requires minor development proposals to incorporate SUDS in the private areas of the development in order to provide source control features to the overall SUDS design. ALP policy W DM1 states all development must demonstrate that adequate drainage capacity exists or can be provided as part of the development. Applications must be accompanied by a Drainage Impact Assessment (DIA) that takes account of both the individual and cumulative impact on foul water disposal, flood storage capacity and surface water drainage or flood flows within the Lidsey area.

Paragraph 181 of the NPPF states local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment.

Policy ES1b of the BENDP2 states development on undeveloped land must demonstrate that surface water runoff will be returned to re-development greenfield criteria. Policy ES1c refers that sewage infrastructure cannot be released into or infiltrated by surface water.

The site is not affected by current or future flooding from rivers/sea and is in Flood Zone 1. It does fall within a Source Protection Zone 1c for the local Public Water Supply Source. SPZ1c relates to subsurface activity only, where the Chalk aquifer is confined and may be impacted by deep drilling activities. The site also lies in the Lidsey Wastewater Treatment Catchment Area.

Arun mapping indicates the site has high groundwater and this data comes from the Councils SFRA. The SFRA states the Groundwater Flooding Maps are strategic scale maps showing groundwater flood areas on a 1km square grid. It does not show the likelihood of flooding occurring. It further states that data should only be in combination with other information. Groundwater monitoring took place between October 2023 and March 2024 and was recorded between 1.5-2.5m below ground level. A 1m freeboard is achievable and as a result it is proposed to drain the site via infiltration.

Areas of permeable paving are proposed to allow surface water runoff to percolate through the paving into the sub base below. This provides a volume of attenuated storage (as it is proposed that the permeable paving will be tanked in view of site constraints) before collected run-off is discharged, to the ground. This will also ensure the site receives a level of treatment required by the SuDS Manual with hydrocarbons being filtered.

The LLFA confirm that the applicant has provided a Flood Risk Assessment and Drainage Strategy to account for the local flood risk issues and surface water drainage at this location and have no objection subject to conditions for full details of surface water drainage to be submitted and approved.

The Environment Agency have been consulted with regards to the site falling within the Source Protection Zone however no comments have been provided. In the absence of their comments it would be unreasonable to assume this is not acceptable.

The Foul Drainage Statement states that Southern Water public sewer records identify a public foul sewer within the vicinity of the site, to the northwest boundary. A new gravity connection will be made to this foul sewer to service the site. Southern Water raises no objection and request a formal application be made for connection to the public sewer. They also request a condition for details of the surface water and foul drainage strategy to be submitted prior to commencement. Portsmouth Water have also provided comments as the site is not located within Southern Water statutory area for water supply. They recognise the sites location with a Source Protection Zone and have requested conditions regarding drainage design, piling/drilling details and a construction management plan. The conditions requested are similar to that of those requested by the LLFA and Southern Water and will be re-worded and combined to avoid repetition. These would ensure that a suitable drainage strategy is achieved with regards to a foul water drainage strategy and the source protection zone.

Subject to conditions, the details provided are sufficient to demonstrate that the development of the site will not increase flood risk elsewhere and is in accordance with ALP policy W DM1, W SP1 and W DM3, Policy ES1b of the BENDP2 and the NPPF.

#### BIODIVERSITY

ALP policy ENV DM5 states development shall seek to achieve a net gain in biodiversity. Policy ES15 of the BENDP2 states that development must assess the impact upon biodiversity corridors. Policy ES17 states that proposals for the development of sites which are located within 12km of Singleton and Cocking Tunnels Special Area of Conservation (SAC) must evaluate whether there is potential for an adverse effect to arise to qualifying species associated with the SAC due to loss of suitable foraging habitat and/or the severance of commuting flight lines.

The site comprises grassland and a disused single storey building. The grassland, due to the species contained is deemed to be of poor condition. The trees and hedgerows are of moderate condition. The application is liable for mandatory BNG, and the metric shows an increase of 17.7% in habitat units and a 10.45% increase in hedgerow units. This will be achieved through enhancing the condition of the existing grassland and through habitat creation. 24 individual trees will be planted across the site. Hedgerows will be retained and planted to the southern site boundary. This exceeds the mandatory 10% gain.

Following a walkover survey, the habitats on site were considered unsuitable for common reptiles. The trees and hedgerows provide suitable commuting and foraging for dormouse habitat although there is limited connectivity to the wider area. One waterbody was identified around 250m southwest of the site, although is separated by Fontwell Avenue providing a major barrier for Great Crested Newts on the site. The trees, native hedgerow and existing building on site provides suitable opportunities for nesting birds, however, given the small extent of the suitable habitat to be impacted on and the abundance of more suitable habitat within the wider area, the site is of low potential for nesting birds. The single storey building on site comprised of corrugated metal. Due to the nature of the building, it does not provide suitable conditions for roosting bats. No evidence was found of bats within the trees proposed for removal.

The site falls in the SAC consultation zone, which is identified for supporting maternity colonies of

Barbastelle bats. The conservation objectives of the SAC include avoiding the deterioration of the qualifying natural habitats and the habitats of qualifying species, and the significant disturbance of those qualifying species. From the information provided, it is concluded that the development would not result in significant harm upon the bats on site.

Subject to mitigation which will include a search of all the suitable vegetation to be cleared by an ecologist and the addition of bird/bat boxes and dormice nests, alongside a sensitive lighting scheme, the proposal would provide sufficient mitigation to ensure that the development would not result in adverse harm upon biodiversity on the site.

The proposal provides a minimum 10% biodiversity net gain and subject to conditions to secure the mitigation and enhancement measures proposed, the development would comply with ALP policy ENV DM4 and the NPPF.

### TREES AND LANDSCAPING

ALP policy D DM1 requires developments to incorporate new tree planting and to improve on character through landscaping. Policy ENV DM4 states TPO protected trees, those in ancient woodland, in a Conservation Area or trees that contribute to local amenity should not be damaged or felled unless the development meets the certain criteria including that the benefits outweigh the loss of trees or woodland.

Policy ES10 of the BENDP2 states 'Development proposals that result in the loss of or adverse impacts on trees or hedgerows of arboricultural, amenity or historic value should demonstrate that the benefits clearly outweigh the harm or loss.'

The application is accompanied by an Arboricultural Impact Assessment (AIA) and Method Statement (AMS) with a Protection Plan. This confirms of the thirteen trees/groups surveyed (of Category A, B, C, and U trees), three are indicated to be wholly or partially removed to facilitate this development proposal. These are categorised as C and U trees. Additionally, two trees will have activities arising from the development occurring within their root protection areas (RPA).

The removal of some trees are proposed to the northern boundary to enable the new access to be constructed. The loss would be noticeable due to their location fronting Wandleys Lane however they are of a smaller size than other neighbouring trees and are predominantly a hedgerow species (Hawthorn) and the loss would not result in significant harm upon the amenity of the area. A group of trees are also proposed for removal to the southeast of the site due to their close proximity to Plot 6. These are category U and again small in size. They are well located within the site and their loss in terms of amenity is limited. Some pruning is required for groups of trees and scrubs to the north, east and western boundaries to allow suitable garden areas.

There are few trees on the site, mostly contained to the perimeter and the large majority will be maintained and afforded significant room to allow for future growth without major constraint. It is noted that there is uncertainty around the footway proposal to the north of the site which might encroach upon the RPA of higher value trees, although the ADC Tree Officer notes this could be tolerable if works are undertaken in accordance with the AMS guidance. A condition will be included for specific details to be provided regarding this footway. The ADC Tree Officer provided no objection to the proposal.

With regards to landscaping, the site proposes hedging primarily along the access road alongside tree planting across the site. The Parks and Landscaping Officer has provided no objection subject to submission of landscape detail. This should include detail of the specific species, quantities, densities and size at time of planting which will be conditioned. This will ensure that appropriate landscaping is provided and will also contribute towards biodiversity and wildlife habitat on site.

A 1.2m post and rail fence is proposed to the north boundary facing Wandleys Lane which would appear appropriate for the area. There are no other details with regards to the boundary treatment proposed and this can be conditioned to ensure these are acceptable in design and would not result in the appearance of excessive enclosure throughout the site.

The proposal would not result in adverse harm upon the trees on site and subject to conditions would comply with ALP policy ENV DM4 and the NPPF.

#### **LIGHTING**

ALP policy QE DM2 states outdoor lighting should not have adverse impact on neighbouring uses or the wider landscape, particularly with regard to the South Downs International Dark Sky Reserve designation. Light levels should be the minimum required for security and working purposes.

Policy ES16 of the BENDP2 states development that detracts from the unlit environment will not be supported.

No details have been provided with regards to the lighting at the site. The site is outside the built-up area boundary and it therefore has the possibility to result in harm upon the wider area which is semi-rural in character. A condition will be included with regards to lighting to ensure the amount, location and brightness levels are acceptable.

Subject to a condition, the proposal would accord with ALP policy QE DM2.

#### **MINERALS**

The site lies within the Sharp Sand and Gravel Mineral consultation area as defined by the West Sussex Joint Minerals Local Plan (2018). Policy M9 (b) of this document states that proposals for non-mineral development within the Minerals Safeguarded Areas will not be permitted unless: (i) Mineral sterilisation will not occur; or (ii) it is appropriate and practicable to extract the mineral prior to the development taking place, or (iii) the overriding need for the development outweighs the safeguarding of the mineral and it has been demonstrated that prior extraction is not practicable or environmentally feasible.

The applicant provided a brief Mineral Resource Assessment (MRA). This does not provide any assessment of the quality or quantity of the underlying resource and suggests that, while no mineral extraction will occur at the site, the development will re-use any existing minerals within the redevelopment of the site. The assessment suggests that the underlying mineral resource will be safeguarded. WSCC Minerals and Waste raised no objection, subject to the Arun being satisfied that the site represents previously developed land (i.e. no mineral sterilisation would occur).

Whilst there is a small, dilapidated building on site, the land is not considered previously developed. As such, additional information has been provided to address mineral sterilisation on site and re-consultation has taken place. Further comments are awaited.

#### **SUMMARY**

This report concludes that the principle of development is accepted, therefore, subject to the developments accordance with the relevant development plan policies the application should be approved.

The proposal does not comply with the BENDP2 Policy H1 Site 1 in such that whilst the site is allocated, it does not comply with the specific criteria contained with the policy specifically criteria b. which relates to the two parts of the site being delivered as one cohesive design and c. which relates to the location of the access. The level of harm arising from non-compliance with b, and c, is minor. WSCC Highways have no objection to the location of the access and the development of part of the site would bring

forward needed development towards the housing land supply shortfall. The application complies with relevant policies in all other aspects such as design, amenity, biodiversity, flood risk, parking and trees.

Given the 5 year Housing Land Supply position the presumption in favour of sustainable development is triggered under paragraph 11(d) of the National Planning Policy Framework. Paragraph 11(d)(ii) of the NPPF makes clear that permission should be granted unless 'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole'.

The BENDP2 benefits from the protection of NPPF para 14 as it was made less than five years ago. However, the adverse impact of allowing the development on part of an allocated site does not result in impacts that are significantly and demonstrably adverse to outweigh the benefits of an additional ten dwellings to the housing supply.

The development has been assessed against the policies in the Framework taken as a whole and the application is recommended for approval subject to the following conditions and informatives.

#### **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.

#### **CIL DETAILS**

This application is CIL liable, therefore, developer contributions towards infrastructure will be required (dependent on any exemptions or relief that may apply).

#### **RECOMMENDATION**

**APPROVE CONDITIONALLY**

1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

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

- Location Plan - 230010 01
- Block Plan - 230010 04
- Proposed Site Plan - 230010 05 B
- Plot 1 and 2 Proposed Elevation, Floor and Roof Plan - 230010 06
- Plot 3 Proposed Elevation, Floor and Roof Plans - 230010 07
- Plot 4 and 5 Proposed Elevation, Floor and Roof Plan - 230010 08
- Plot 6 Proposed Elevation, Floor and Roof Plan - 230010 09
- Plot 7 Proposed Elevation, Floor and Roof Plan - 230010 10
- Plot 8 and 9 Proposed Elevation, Floor and Roof Plan - 230010 11
- Plot 10 Proposed Elevation, Floor and Roof Plan - 230010 12
- Proposed Garage & Car Port Plans and Elevations - 230010 13
- Proposed Street Scene - 230010 14

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

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

- (a) The anticipated number, frequency and types of vehicles used during construction,
- (b) The method of access and routing of vehicles during construction,
- (c) The parking of vehicles by site operatives and visitors,
- (d) The loading and unloading of plant, materials and waste,
- (e) The storage of plant and materials used in construction of the development,
- (f) The erection and maintenance of security hoarding,
- (g) 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),
- (h) Details of public engagement both prior to and during construction works.
- (i) Details of suppression of dust and dirt arising from the site.
- (j) Measures to minimise the noise and vibration generated by the construction process, the careful selection of plant and machinery and the use of noise mitigation barriers.

In consultation with Portsmouth Water, the CEMP should also include

- (k) Detail on all pollution mitigation measures to be adopted during the construction phase. This should include management of overland runoff, storage of hazardous materials, chemical and hydrocarbons on site and temporary drainage infrastructure to ensure that water resources are not put at risk from leaks or spillages.

Reason: In the interests of the safety/amenity of nearby residents and occupiers of any nearby noise sensitive premises, the safety and general amenities of the area, and in the interests of

highway safety in accordance with Arun Local Plan policies D DM1 and T SP1 and the NPPF. This is required to be a pre-commencement condition because it is necessary to have the construction site set-up agreed prior to access by construction staff.

- 4 Prior to the commencement of development, construction drawings of the surface water drainage network, associated sustainable drainage components and flow control mechanisms and a construction method statement shall be submitted and agreed in writing by the Local Planning Authority. The scheme shall then be constructed as per the agreed drawings, method statement, FRA/Drainage Statement (version 1.0, BP Civils, April 2025 and Drawing Proposed Drainage Plan Dwg. 000-BPC-WD-ZZ-D-C PL007 Rev 0 and remaining in perpetuity for the lifetime of the development unless agreed in writing by the Local Planning Authority. No alteration to the agreed drainage scheme shall occur without prior written approval from the Local Planning Authority.

Reason: To ensure that the development achieves a high standard of sustainability and to comply with the NPPF and Arun Local Plan policies W DM2 and W DM3.

- 5 No development shall commence until such time as a scheme to dispose of foul water has been submitted to, and approved in writing by, the Local Planning Authority in consultation with Portsmouth Water. The scheme shall be implemented in accordance with the timetable agreed as part of the approved scheme.

The scheme shall also include:

- (a) Details of how the scheme shall be maintained and managed after completion.
- (b) Details of the sewage pipe work layout and specifications.

Reason: This is in order to manage the quantity of foul sewage and protect water resources. In accordance with position G8 of Groundwater Protection: Principles and Practice, the applicant must use the highest specification pipework and designs to minimise leakage and to comply with the NPPF and Arun Local Plan policy W DM1.

- 6 No development, demolition, levels changes (excluding any survey works required under other conditions) shall commence and no heavy plant shall be brought onto site, until the site owner's appointed arboricultural consultant has confirmed in writing supported by dated photographic evidence that all tree protection fencing has been installed in accordance with the specifications and positions shown on the ECo 2 Tree Protection Plan (Appendix 1 of the Arboricultural Implications Assessment and Method Statement, Ref: 241637 - AIA), and is compliant with the standards set out in British Standard 5837:2012."

Reasons: To comply with BS5837:2012 and ensure the retention of trees which are an important feature of the area, in accordance with Arun Local Plan policy D DM1. It is considered necessary for this to be a pre-commencement condition as the protection and retention of trees goes to the heart of the planning permission.

- 7 No development shall commence 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 in writing by the Local Planning Authority.

Reason: The site is of archaeological significance in accordance with Arun Local Plan policy HER DM6. This is required to be a pre-commencement condition because otherwise the disturbance of earth could harm important deposits.

- 8 Prior to commencement of the development hereby approved, 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

be submitted to and approved in writing by the Local Planning Authority:

(a) A site investigation scheme, based on GW's report ref GWPR5571/DS/October 2023 to provide information for a detailed risk

assessment of all receptors that may be affected, including those off site.

(b) Based on (a), an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. The remediation strategy shall include details of the data that will be collected in order to demonstrate that the proposed remedial works are complete and identify any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

(c) A verification report demonstrating completion of the works set out in the approved submission (c) and the effectiveness of the remediation. 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. Where necessary, the report shall also include long-term monitoring and maintenance plans and arrangements for contingency action.

Note: Any changes to these components require the express written consent of the Local Planning Authority.

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 the Arun Local Plan policies QE SP1 and QE DM4. This is required to be a pre-commencement condition because these details have to be agreed and in place before any work commences.

9 The development hereby approved shall not be first occupied until details of the maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include:

(a) A timetable for its implementation,

(b) Details of SuDS features and connecting drainage structures and maintenance requirement for each aspect

(c) A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with the NPPF and Arun Local Plan policies W DM2 and W DM3.

10 Prior to the first occupation of the development and following the completion of the installation/construction of the surface water drainage system (including all SuDS features), a verification report shall be submitted to the Local Planning Authority for written approval. The report shall be prepared by an independent, suitably qualified surveyor and shall confirm that the drainage system has been constructed in accordance with the approved details pursuant to this condition. If the survey identifies any corrective works that need to be carried out, the report shall include details of any necessary remedial works along with a proposed timetable for their completion. All agreed remedial works shall be undertaken in accordance with the

approved timetable. A follow-up verification report confirming the completion and adequacy of any remedial measures shall then be submitted to and approved in writing by the Local Planning Authority

Reason: To ensure the flood risk is adequately addressed, not increased and users remain safe for the lifetime of the development in accordance with the NPPF and Arun Local Plan policies W DM1 and W DM2. Erection of flow control structures or any culverting of an ordinary watercourse requires consent from the appropriate authority, which in this instance is West Sussex Lead Local Flood Authority / and the Local Council (if they have specific land drainage bylaws). It is advised to discuss proposals for any works at an early stage of proposals.

- 11 No development above damp-proof course (DPC) shall take place unless and until details of the exact location, specification and construction programme for the proposed footpath to the north of the site have been submitted to and approved in writing by the Local Planning Authority.

Reasons: To ensure the works do not result in undue harm upon upon surrounding trees in accordance with Arun Local Plan policy ENV DM4.

- 12 Prior to any development above damp-proof course (DPC) level, a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the 'Preliminary Ecological Appraisal, March 2025' shall be submitted to and approved in writing by the Local Planning Authority.

The enhancement measures shall be implemented in accordance with the approved details prior to first occupation of any part of the development and all features shall be retained in that manner thereafter.

Reason: To enhance protected and priority species and habitats in accordance with Arun Local Plan policies ENV SP1 and ENV DM5 and allow the Local Planning Authority to discharge its duties under the NPPF and s40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species).

- 13 No development above damp-proof course (DPC) level shall take place unless and until a schedule of materials and finishes to be used for external walls and roofs of the proposed buildings have been submitted to and approved in writing by the Local Planning Authority and the materials so approved shall be used in the construction of the buildings.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with Arun Local Plan policies D DM1 and D SP1.

- 14 All activity at the site is to be carried out in strict accordance with: - Arboricultural Implications Assessment & Method Statement, ref. 241637 - AIA). Ecourban Ltd.

If there is deemed to be a need for any Utility Service Route connections to bisect retained tree Root Protection Areas/Zones, then prior to their installation a Method Statement prepared by an Arboricultural Expert must be submitted that stipulates how this can be achieved without adverse impact on tree roots. Written approval and confirmation of acceptance of this Methodology must be issued before any works are commenced out on site.

Reasons: To comply with BS5837:2012 and to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised, and they can continue to enhance the landscape and amenity of the area in

compliance with Arun Local Plan policy ENV DM4.

- 15 No development above damp-proof course (DPC) level 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. This should include species choice, quantities, position, densities and size at time of planting. 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 Arun Local Plan policies D DM1 and D SP1.

- 16 Prior to any part of the new development being first brought into use/occupied, a bat friendly Lighting Plan shall be submitted to and approved in writing by the Local Planning Authority.

The recommended lighting specification shall use LED's (at 3 lux) with the recommended spectrum being 80% amber and 20% white with a clear view, no UV, a horizontal light spread of less than 70 degrees and a timer. A 3D plan of the illumination level should be supplied so that the Local Planning Authority can assess the potential impact on protected species.

Reason: To allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended), and s40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species) and Arun Local Plan policy ENV DM5.

- 17 Prior to occupation of any of the approved dwellings, the applicant or developer shall provide the dwellings with electric vehicle charge points in accordance with the council's standards as set out in its Parking Standards SPD. This requires that where a dwelling has a driveway or garage then one of those parking spaces shall be provided with a charging point, with ducting then being provided to all other spaces, where appropriate, to provide passive provision for these spaces to be upgraded in future. The individual charge points shall be in accordance with the technical requirements set out in Part S, section 6.2 of the Building Regulations 2010 (as amended). The electric vehicle charge points shall thereafter be retained and maintained in good working condition.

Reason: To mitigate against adverse impacts on local air quality and to promote sustainable travel, in accordance with Arun Local Plan policy QE DM3(c), the Arun Parking Standards SPD and the NPPF.

- 18 No piling or any other foundation construction using penetrative methods shall be carried out other than with the express written consent of the Local Planning Authority in consultation with Portsmouth Water. The development shall be carried out in accordance with the approved details. The method statement should detail the equipment, methodology, grout, control measures and monitoring that will be implemented to ensure there is no increased risk to controlled waters or drinking water supplies.

Thus, it should be demonstrated that any proposed piling;

- a) Will not result in contamination of groundwater. This is in accordance with National Planning Policy Framework paragraph 196.
- b) Nor any increased risk to drinking water supplies (including turbidity).

c) Nor deterioration in the transmissivity of the aquifer.

Reason: Piling or any other foundation construction methods using penetrative methods could allow hazardous substances and non-hazardous pollutants to enter groundwater by for example, mobilising contamination and creating preferential pathways in accordance with Arun Local Plan policy W DM1.

19 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting this Order) there shall be no alterations to the approved car ports within the site (plots numbered 3,6,7) unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To maintain adequate parking provision in the interests of highway safety in accordance with Arun Local Plan policy T SP1 and the Parking Standards SPD.

20 The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition (the biodiversity gain condition) that development may not begin unless:

1. A Biodiversity Gain Plan has been submitted to the planning authority, and
2. The planning authority has approved the plan.

This permission will require the submission and approval of a Biodiversity Gain Plan before development is begun.

For guidance on the contents of the Biodiversity Gain Plan that must be submitted and agreed by the Council prior to the commencement of the consented development please see the link: <https://www.gov.uk/guidance/submit-a-biodiversity-gain-plan>

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 (as amended).

21 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981 (as amended), 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.

22 INFORMATIVE: This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0345 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.

23 INFORMATIVE: Works within the Highway - Implementation Team  
The applicant is required to obtain all appropriate consents from 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.