

DECISION NOTICE

Application Ref: BN/46/25/PL

1 To Addressee

Henry Adams LLP
Rowans House
Baffins lane
Chichester
PO19 1UA

2 Site Address

Land South of Wandleys Lane
Eastergate
PO20 3SE

3 Description of Development

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.

4 In pursuance of their powers under this Act and related Orders and Regulations the Council **PERMIT** this development to be carried out in accordance with the application and plans and subject to the following conditions.

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.

Statutory Biodiversity Gain Plan Condition

- 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).

This application is subject to the Community Infrastructure Levy (CIL) as levied under Arun district Council's CIL Charging Schedule as adopted on 15th January 2020.

Shortly you will receive a Liability Notice which includes the calculated charge and person(s) liable to pay. If you have not submitted all the necessary CIL forms such as Assumption for Liability ([Form 2](#)) or any appropriate exemption or relief forms available on the Councils website <https://www.arun.gov.uk/cil> you must do so prior to commencement of your development. Failure to do so would invalidate any claim for exemption or relief. Furthermore, you must remember to submit your Commencement Notice no later than the day before the day on which the chargeable development is to commence. Failure to do so could result in a surcharge of up to £2,500.

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.

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.

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.



Neil Crowther
Group Head of Planning

Case Officer: Amber Willard

Decision Issued: **17th September 2025**

Arun District Council
The Arun Civic Centre
Maltravers Road
Littlehampton
West Sussex BN17 5LF

IT IS IMPORTANT THAT YOU READ THE NOTES ATTACHED TO THIS DOCUMENT

APPEALS TO THE SECRETARY OF STATE

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, and you want to appeal against this planning application decision, then you must do so within 28 days of the date of this notice.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and you want to appeal against this planning application decision, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months of the date of this notice, whichever period expires earlier.

Otherwise, if you want to appeal against this decision then you must do so within 6 months of the date of this notice.

Appeals must be using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <http://acp.planninginspectorate.gov.uk>

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry then you must send notice to the Local Planning Authority and Planning Inspectorate(inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details can be found at www.GOV.uk

PURCHASE NOTICES

If either the local planning authority or the Secretary of State refused permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (that is, where the land is situated in a National Park, the National Park authority for the Park, or in any other case the district council in whose area the land is situated). This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter 1 of Part VI of the Town & Country Planning Act 1990.

Please note that this decision notice only relates to matters under the Planning Acts and does not give consent under any other legislation that may apply to the development. You will need to carry out your own checks to determine whether any other consents or permissions are required. For example, the Building Regulations are likely to apply to most developments, and a Highways Licence may be required from West Sussex County Council for any development within the public highway (including the placing of skips on

highway land).