Recommendation Report for Planning Permission

REF NO: BN/93/19/PL

LOCATION: Land At Angels Nursery
Yapton Road
Barnham
PO22 0AY

PROPOSAL: Continuance of use without compliance with condition 18 following the grant of planning permission BN/43/16/PL relating to 'the development, hereby permitted, shall not be occupied until the access and associated off-site highway works have been constructed in accordance with plans and details (including recommendations of any associated Road Safety Audits) to be submitted to and approved by the LPA after consultation with the Local Highway Authority'.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This is a Section 73 application to vary Condition 18 imposed on planning permission (BN/43/16/PL). Condition 18 is a pre-commencement condition which relates to the construction of the site access and associated off-site highway works.
SITE AREA	3.5 hectares.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	29 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	There are boundary trees and hedges around the perimeter of the site, including a number of trees which are protected by Tree Preservation Orders (TPOs), in close proximity to the Yapton Road frontage and also in the south west part of the site.
BOUNDARY TREATMENT	Trees and hedgerows grow along the southern and western boundaries of the site. The site has red painted fencing along the northern frontage with Yapton Road, following the re-laying of the sewer across the site frontage in February and March 2016. Contractor fencing has been installed along the eastern boundary of the site with the former Lillies Caravan Park.
SITE CHARACTERISTICS	The site is flat and was formerly in horticultural use. All of the former horticultural buildings have been removed and the site has been cleared of all structures.
CHARACTER OF LOCALITY	The site is in close proximity to the village centre and has good pedestrian access to Barnham railway station. To the west of the site there is Barnham Community Hall and neighbouring residential development that fronts the access

road to the hall. There are playing fields, known as Murrells Field, to the south of the community hall. Opposite the Angels Nursery site, at the former tree nursery, there is a development of 44 dwellings which has now been completed.

To the east, immediately adjacent to the site, is the former Lillies Caravan Park which has been cleared and it is also to be developed for housing, with 38 dwellings. The outline planning permission was granted with a Section 106 Agreement; and one of the two reserved matters applications was allowed at appeal.

Land to the south of the Angels Nursery site remains in horticultural use with extensive glasshouses.

This area of Yapton Road is very much an extension to the existing built-up area and the character is clearly more rural to the east where there is residential ribbon development along the southern side of Yapton Road. Further to the east there is Barnham Windmill and an associated cluster of small craft shops.

RELEVANT SITE HISTORY

BN/43/16/PL	95 No. dwellings together with access, landscaping open space & associated works.	App Cond with S106 03-05-17
BN/42/18/PL	Variation of condition 2 imposed under BN/43/16/PL relating to approved plans.	ApproveConditionally 31-01-19
BN/28/18/NMA	Application for a non-material amendment following a grant of planning permission BN/43/16/PL relating to minor changes to the siting of some plots primarily those on the frontage to Yapton Road.	Approve 26-07-18
BN/51/15/PL	Variation of condition No.1 imposed under planning reference BN/29/13/ relating to approved plans	Refused 18-02-16
BN/58/15/PL	Erection of 9 No. dwellings.	Refused 22-02-16
BN/29/13/	Application for approval of reserved matters following Outline approval BN/27/09 for demolition of all existing	ApproveConditionally 14-03-14

structures and redevelopment with 86 dwellings together with associated open space, landscaping and access improvements.

Planning permission (BN/43/16/PL) has been granted for the development of 95 dwellings on the land formerly occupied by Angel's Nursery, on Yapton Lane in Barnham. However, development has not commenced on the site and none of the conditions imposed on the planning permission have been discharged.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Barnham & Eastergate Parish Council

No objection.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comment noted.

CONSULTATIONS

WSCC Strategic Planning

Highways England

CONSULTATION RESPONSES RECEIVED:

HIGHWAYS ENGLAND:
No comment to make, other than to ensure that the Local Highway Authority is consulted on this application.

LOCAL HIGHWAY AUTHORITY:
No objection.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and issues addressed in the Conclusions section below.

POLICY CONTEXT

Designation applicable to site:
Within the Built up Area Boundary (BUAB) in the Arun Local Plan.

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development
INFSP1	INF SP1 Infrastructure provision and implementation

Barnham & Eastergate Neighbourhood Plan 2014 Integration of new housing into surroundings POLICY H4

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

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

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

The Neighbourhood Development Plan:
Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan.

Barnham and Eastergate Neighbourhood Plan (2014-2029) was made in July 2014. Relevant Neighbourhood Plan (NP) policies have been taken into account and are addressed in the Conclusions section of this report.

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 development of off-site and on-site highway works is considered to comply with relevant Development Plan policies in that it would ensure safe vehicular access is provided into the site at Angels Nursery in accordance with the transport policies in the Development Plan.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

PRINCIPLE
The principle of residential development was established with the granting of planning permission (BN/29/13/) for 86 dwellings in 2014. In early 2016, the applicant sought to increase the number of dwellings to 95 but the two re-plan applications were refused due to the layout, design, and lack of public open space.

In March 2016 the approved application (BN/29/13/) was about to commence when the applicant discovered that the Southern Water sewer pipe, that crossed the site was 20 metres out of line from the Southern Water plan. This resulted in the developer seeking to re-plan the site to take account of the pipeline. The amended site layout was granted planning permission (BN/43/16/PL) in 2017 for the development of 95 dwellings on the site.

The residential use of the site at Angels Nursery has clearly been established, however, no construction works have commenced on the site.

VARIATION OF CONDITION 18
The proposal is to vary Condition 18, which is a pre-commencement condition that was imposed on planning permission (BN/43/16/PL) on the Angel's Nursery site.

Condition 18 currently says:
"The development, hereby permitted, shall not be commenced until the access and associated off-site highway works have been constructed in accordance with plans and details (including recommendations of any associated Road Safety Audits) to be submitted to and approved by the LPA after consultation with the CHA."

The proposal is to amend the condition from a pre-commencement requirement to a pre-occupation requirement and that it be varied to read:
"The development, hereby permitted, shall not be occupied until the access and associated off-site highway works have been constructed in accordance with plans and details (including recommendations of any associated Road Safety Audits) to be submitted to and approved by the Local Planning Authority after consultation with the Local Highway Authority."

The existing pre-commencement wording of Condition 18 would result in a newly constructed road into the site being used by earth moving vehicles, which could damage the new road surface. The proposed main access into the site would be utilised initially by a sales area, which would be located on the eastern part of the application site.

It is understood that a temporary construction access would be created to the western end of the site fronting onto Yapton Road, which would be detailed in a Construction Management Plan, which would be required to be submitted to the LPA under Condition 27, which was imposed on planning permission (BN/43/16/PL).

The proposed variation to the wording of Condition 18 would enable the initial construction phase of the development to be completed, following which the off-site highway works would be implemented.

The approved off-site highway works comprise a right hand turning lane and pedestrian refuge on Yapton Road at the vehicular access into the site. The off-site highway works on Yapton Road are required to service the approved residential development at the Angels Nursery site. The off-site highway works would not be required to make the construction work acceptable. It is considered that it would be counter-productive to construct the right hand turning lane and the pedestrian refuge on Yapton Road prior to the initial on-site construction works, including earth moving operations to level the ground on the site; as the contractor vehicles could damage the off-site highway works, which would then need to be re-instated following the completion of the initial onsite construction works (i.e. groundworks).

The on-site highway works include the provision of visibility splays at the site entrance commensurate with a 20mph design speed.

It is considered that the site layout would not be affected by this proposed variation to the wording of Condition 18.

The proposed variation to the existing wording in Condition 18, enabling the site access and associated off-site highway works to be constructed prior to occupation rather than prior to commencement, is considered to be acceptable as it would ensure that the development provides safe access on to the highway network.

SUMMARY
The current application to vary the wording of Condition 18 imposed on planning permission (BN/43/16/PL) from a pre-commencement requirement to a pre-occupation requirement is considered to be acceptable.

All of the other conditions imposed on BN/43/16/PL including the original Condition 2; together with the extra conditions which were added under the Section 73 permission BN/42/18/PL are to be retained and carried forward. References have been added to the damp proof course in the existing Conditions 19, 24, 25, 26, 31 and 34; the existing Condition 33 regarding the bird nesting season has been transferred into an Informative; and the numbering of the conditions has been amended accordingly. Condition 10 has been varied to a pre-occupation condition. Condition 28 regarding the foul water drainage scheme has been amended to refer to the approved drainage plans for the residential development on the site.

The policies in the reasons in the conditions have been updated in line with the policies in the Arun Local Plan, 2018.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

SECTION 106 DETAILS

A Unilateral Undertaking under Section 106 of the Town and Country Planning Act was prepared and signed that accompanied BN/43/16/PL and it covers the requirements of WSCC highways, Traffic Regulation Order (TRO), contributions to education, libraries and fire and rescue, maintenance and Management.

The implication of varying Condition 18, imposed on planning permission BN/43/16/PL, would be to require a Deed of Variation to enable this Section 73 application (BN/93/19/PL) to be listed in the Unilateral Undertaking, as a new planning permission is being issued.

RECOMMENDATION

APPROVE CONDITIONALLY

1 The development hereby permitted shall be begun within 3 years from the date of the original planning permission (BN/43/16/PL).

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:

Drawing No. 2124-00 - Location Plan
Drawing No. 2124-01 - Block Plan
Drawing No. 2124-02 Rev. A - Site Plan
Drawing No. 2124-03 - Houses 1 to 3 - North & South Elevations
Drawing No. 2124-04 - Houses 1 to 3 - Ground & First Floor Plans
Drawing No. 2124-05 - Houses 1 to 3 - West & East Elevations
Drawing No. 2124-06 - Houses 4 to 7 - South East Elevation
Drawing No. 2124-07 - Houses 4 to 7 - North West Elevation
Drawing No. 2124-08 - Houses 4 to 7 - Ground & First Floor Plans
Drawing No. 2124-09 Rev. A - Houses 4 to 7 - South West & North East Elevations
Drawing No. 2124-10 - Houses 8 to 11 - South West Elevation
Drawing No. 2124-11 - Houses 8 to 11 - North East Elevation
Drawing No. 2124-12 - Houses 8 to 11 - Ground & First Floor Plans
Drawing No. 2124-13 - Houses 8 to 11 - South East & North West Elevations
Drawing No. 2124-14 - Houses 12 to 14 - Elevations
Drawing No. 2124-15 - Houses 12 to 14 - Ground & First Floor Plans
Drawing No. 2124-16 - Houses 15 to 20 - South East & North West Elevations
Drawing No. 2124-17 - Houses 15 to 20 - South East Elevation - Part 1
Drawing No. 2124-18 - Houses 15 to 20 - South East Elevation - Part 2
Drawing No. 2124-19 - Houses 15 to 20 - North West Elevation - Part 1
Drawing No. 2124-20 - Houses 15 to 20 - North West Elevation - Part 2
Drawing No. 2124-21 - Houses 15 to 20 - Ground and First Floor Plans - Part 1
Drawing No. 2124-22 - Houses 15 to 20 - Ground and First Floor Plans - Part 2
Drawing No. 2124-23 - Houses 15 to 20 - Side Elevations - Part 1
Drawing No. 2124-24 - Houses 15 to 20 - Side Elevations - Part 2
Drawing No. 2124-25 - Houses 21 to 26 - North & South Elevations
Drawing No. 2124-26 - Houses 21 to 23 - North & South Elevations
Drawing No. 2124-27 - Houses 21 to 23 - Ground & First Floor Plans
Drawing No. 2124-28 - Houses 24 to 26 - North & South Elevations
Drawing No. 2124 29 - Houses 24 to 26 - Ground & First Floor Plans
Drawing No. 2124-30 - Houses 21 to 26 - East & West Elevations

Drawing No. 2124-31 - Houses 27 & 28 - Elevations
Drawing No. 2124-32 - Houses 27 & 28 - Ground & First Floor Plans
Drawing No. 2124-33 - House 29 - Elevations
Drawing No. 2124-34 - House 29 - Ground & First Floor Plans
Drawing No. 2124-35 - Houses 30 to 32 - West Elevation
Drawing No. 2124-36 Rev. A - Houses 30 to 32 - East Elevation
Drawing No. 2124-37 - Houses 30 to 32 - Ground & First Floor Plans
Drawing No. 2124-38 - Houses 30 to 32 - Side Elevations
Drawing No. 2124-39 - Houses 33 to 40 - North & South Elevations
Drawing No. 2124-40 - Houses 33 to 40 - North Elevation - Part 1
Drawing No. 2124-41 - Houses 33 to 40 - North Elevation - Part 2
Drawing No. 2124-42 - Houses 33 to 40 - South Elevation - Part 1
Drawing No. 2124-43 - Houses 33 to 40 - South Elevation - Part 2
Drawing No. 2124-44 - Houses 33 to 40 - Ground Floor Plans - Part 1
Drawing No. 2124-45 - Houses 33 to 40 - Ground Floor Plans - Part 2
Drawing No. 2124-46 - Houses 33 to 40 - First Floor Plans - Part 1
Drawing No. 2124-47 - Houses 33 to 40 - First Floor Plans - Part 2
Drawing No. 2124-48 - Houses 33 to 40 - Second Floor and Roof Plans
Drawing No. 2124-49 - Houses 33 to 40 - Side Elevations - Part 1
Drawing No. 2124-50 - Houses 33 to 40 - Side Elevations - Part 2
Drawing No. 2124-51 - House 41 - Elevations
Drawing No. 2124-52 - House 41 - Ground & First Floor Plans
Drawing No. 2124-53 - Houses 42 to 44 - Elevations
Drawing No. 2124-54 - Houses 42 to 44 - Ground & First Floor Plans
Drawing No. 2124-55 - Houses 45 & 46 - Elevations
Drawing No. 2124-56 - Houses 45 & 46 - Ground & First Floor Plans
Drawing No. 2124-57 Rev. A - Flats 47 to 52 - Elevations
Drawing No. 2124-58 - Flats 47 to 52 - Ground Floor Plan
Drawing No. 2124-59 - Flats 47 to 52 - First Floor Plan
Drawing No. 2124-60 - Houses 53 to 55 - Elevations
Drawing No. 2124-61 - Houses 53 to 55 - Ground & First Floor Plans
Drawing No. 2124-62 - Houses 56 to 63 - West & East Elevations
Drawing No. 2124-63 - Houses 56 to 63 - West Elevation - Part 1
Drawing No. 2124-64 - Houses 56 to 63 - West Elevation - Part 2
Drawing No. 2124-65 - Houses 56 to 63 - East Elevation - Part 1
Drawing No. 2124-66 - Houses 56 to 63 - East Elevation - Part 2
Drawing No. 2124-67 - Houses 56 to 63 - Ground & First Floor Plans - Part 1
Drawing No. 2124-68 - Houses 56 to 63 - Ground & First Floor Plans - Part 2
Drawing No. 2124-69 - Houses 56 to 63 - North & South Elevations
Drawing No. 2124-70 - House 64 - Elevations
Drawing No. 2124-71 - House 64 - Ground & First Floor Plans
Drawing No. 2124-72 - Houses 65 to 72 - North Elevation
Drawing No. 2124-73 - Houses 65 to 72 - South Elevation
Drawing No. 2124-74 - Houses 65 to 72 - North Elevation - Part 1
Drawing No. 2124-75 - Houses 65 to 72 - North Elevation - Part 2
Drawing No. 2124-76 - Houses 65 to 72 - North Elevation - Part 3
Drawing No. 2124-77 - Houses 65 to 72 - South Elevation - Part 1
Drawing No. 2124-78 - Houses 65 to 72 - South Elevation - Part 2
Drawing No. 2124-79 - Houses 65 to 72 - South Elevation - Part 3
Drawing No. 2124-80 - Houses 65 to 72 - Ground & First Floor Plans - Part 1
Drawing No. 2124-81 - Houses 65 to 72 - Ground & First Floor Plans - Part 2
Drawing No. 2124-82 - Houses 65 to 72 - Ground & First Floor Plans - Part 3

Drawing No. 2124-83Rev. A - Houses 65 to 72 - Side Elevations - Part 1
Drawing No. 2124-84 - Houses 65 to 72 - Side Elevations - Part 2
Drawing No. 2124-85 - House 73 - Elevations
Drawing No. 2124-86 - House 73 - Ground & First Floor Plans
Drawing No. 2124-87 - Houses 74 & 75 - Elevations
Drawing No. 2124-88 - Houses 74 & 75 - Ground & First Floor Plans
Drawing No. 2124-89 - Houses 76 to 78 - West Elevation
Drawing No. 2124-90 - Houses 76 to 78 - East Elevation
Drawing No. 2124-91 - Houses 76 to 78 - Ground & First Floor Plans
Drawing No. 2124-92 - Houses 76 to 78 - North & South Elevations
Drawing No. 2124-93 - Houses 79 to 82 - East & West Elevations
Drawing No. 2124-94 - Houses 79 to 82 - Ground & First Floor Plans
Drawing No. 2124-95 - Houses 79 to 82 - North & South Elevations
Drawing No. 2124-96 - Houses 83 to 89 - South Elevation
Drawing No. 2124-97 - Houses 83 to 89 - North Elevation
Drawing No. 2124-98 - House 83 - Elevations
Drawing No. 2124-99 - House 83 - Ground & First Floor Plans
Drawing No. 2124-100 - House 84 & 85 - Elevations
Drawing No. 2124-101 - House 84 & 85 - Ground & First Floor Plans
Drawing No. 2124-102 - House 86 - Elevations
Drawing No. 2124-103 - House 86 - Ground & First Floor Plans
Drawing No. 2124-104 - House 87 & 88 - Elevations
Drawing No. 2124-105 - House 87 & 88 - Ground & First Floor Plans
Drawing No. 2124-106 - House 89 - Elevations
Drawing No. 2124-107 - House 89 - Ground & First Floor Plans
Drawing No. 2124-108 - Houses 90 to 93 - South & North Elevations
Drawing No. 2124-109 - House 90 - Elevations
Drawing No. 2124-110 - House 90 - Ground & First Floor Plans
Drawing No. 2124-111 - House 91 - Elevations
Drawing No. 2124-112 - House 91 - Ground & First Floor Plans
Drawing No. 2124-113 - House 92 - Elevations
Drawing No. 2124-114 - House 92 - Ground & First Floor Plans
Drawing No. 2124-115 Rev. A - House 93 - Elevations
Drawing No. 2124-116 - House 93 - Ground & First Floor Plans
Drawing No. 2124-117 - House 94 - Elevations
Drawing No. 2124-118 - House 94 - Ground & First Floor Plans
Drawing No. 2124-119 Rev. A - House 95 - Elevations
Drawing No. 2124-120 - House 95 - Ground & First Floor Plans
Drawing No. 2124-121 - Houses 73 & 29 Garages - Plans & Elevations
Drawing No. 2124-122 - Houses 34 & 35 Garages - Plans & Elevations
Drawing No. 2124-123 - Houses 36 & 41 Garages - Plans & Elevations
Drawing No. 2124-124 - Houses 38 to 40 Garages - Plans & Elevations
Drawing No. 2124-125 Rev. A - Bin & Bicycle Stores for Flats - Plans & Elevations
Drawing No. 2124-126 - Bin & Bicycle Stores for Houses - Plans & Elevations
Drawing No. 2124-127B - Site Plan showing Public Open Space areas

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

3 Development shall not commence until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority.

The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, the recommendations of the SuDS Manual produced by CIRIA.

Winter groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with Policy D DM1, Policy W DM1 and Policy W DM3 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because a proper surface water drainage strategy is vital and goes to the heart of the planning permission.

4 Immediately following implementation of the approved SuDS scheme and prior to occupation of any part of the development, the developer/applicant shall provide the local planning authority with as-built drawings of the implemented scheme together with a completion report prepared by an independent engineer that confirms that the scheme was built in accordance with the approved drawing/s and is fit for purpose. There shall be no deviation to the approved scheme other than with the written consent of the Local Planning Authority. The scheme shall thereafter be maintained in perpetuity.

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

5 The development shall not proceed until formal consent has been approved in writing from the Lead Local Flood Authority (WSCC) or its agent (ADC) for the discharge of any flows to watercourses, or the culverting, diversion, infilling or obstruction of any watercourse on the site.

Any discharge to a watercourse must be at a rate no greater than the pre-development run off values.

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

6 Development shall not commence until full details of the maintenance and management of the SuDS system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include (a) details of financial management of the site including arrangements made in the event that the management company (or any subsequent management company) is no longer able to fulfil its duties; and (b) arrangements for the replacement of major components at the end of the manufacturers recommended design life.

Reason: To ensure the efficient maintenance and on-going operation of the SuDS system and to ensure the best practice in line with guidance set out in 'The SuDS Manual' CIRIA publication ref: C753 Chapter 32, in accordance with Policy D DM1, Policy W DM1 and Policy W DM3 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because a proper surface water drainage strategy, and its maintenance, is vital and goes to the heart of the planning permission.

7 Upon completed construction of the SuDS System but prior to occupation of any part of the scheme, the owner or management company shall either provide the Local Planning Authority with an updated copy of the management manual incorporating any changes as a result of construction/implementation or confirm in writing that no changes are required to the manual.

No further changes shall be made to the approved SuDS Maintenance & Management Plan/Regime including the management company responsible or the financial arrangements between the owners of the dwellings & the management company other than with the written consent of the Local Planning Authority.

The owner or management company shall thereafter strictly adhere to and implement the recommendations contained within the manual to ensure that the system is maintained in perpetuity.

Reason: To ensure the efficient maintenance and on-going operation of the SuDS system and to ensure the best practice in line with guidance set out in 'The SuDS Manual' CIRIA publication ref: C753 Chapter 32, in accordance with Policy D DM1, Policy W DM1 and Policy W DM3 of the Arun Local Plan.

8 The development layout shall not be agreed until such time that arrangements for the future access and maintenance of any watercourse or culvert (piped watercourse) crossing or abutting the site has been submitted and approved in writing by the Local Planning Authority.

No construction is permitted, which will restrict current and future land owners from undertaking their riparian maintenance responsibilities of any watercourse on or adjacent to the site.

Reason: To ensure that the duties and responsibilities, as required under the Land Drainage Act 1991, and amended by the Flood and Water Management Act 2010, can be fulfilled without additional impediment following the development completion.

9 If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with Policy D DM1 and Policy QE DM4 of the Arun Local Plan.

10 Prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

Reason: To protect the environment and prevent harm to human health by ensuring that the remediated site has been reclaimed in an appropriate standard in accordance with Policy D DM1 and Policy QE DM4 of the Arun Local Plan.

11 The applicant shall during the next planting season following the felling of the trees, the subject of this application, plant replacement trees of a species and maturity and in positions approved by the Local Planning Authority and under its supervision and in the event that any such trees die within five years following such planting shall replace them by similar trees in similar positions during the next planting season.

Reason: To retain trees in the interests of the environment of the locality in accordance with Policy D DM1 of the Arun Local Plan.

12 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, proposals for long term management and maintenance and details of existing trees and hedgerows to be retained, together with measures for their protection during the course of the development. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.'

Reason: In the interests of amenity and of the environment of the development in accordance with Policy D DM1 of the Arun Local Plan.

13 No trees/or bushes/growing/and to be retained/on the site shall be damaged, uprooted, felled, topped or lopped without the prior written consent of the Local Planning Authority until 2 years after completion of the development hereby permitted. Any trees removed without such consent or being severely damaged or becoming seriously diseased or dying before the end of that period shall be replaced with trees of such size and species as may be agreed with the Local Planning Authority.

Reason: To ensure the retention of vegetation important to the visual amenity, /the ecological quality/and for the environment of the development in accordance with Policy D DM1 of the Arun Local Plan.

14 No trenches, cable or pipe runs for services and drains shall be cut or laid within the Root Protection Area as calculated in accordance to Table 2 of BS5837 (2012) or, if this information is absent, within a distance of 15m from the bole of any existing tree to be retained on this or adjoining sites. If however there is no alternative but to locate the services then its encroachment into the Root Protection Area must be kept to a minimum and where the roots should be exposed using compressed air technology, such as the air spade to reduce damage caused by mechanical methods. If roots requiring severance to allow for the passage of services is necessary then an arboriculturist would be required to assess and determine whether the loss of the roots would be detrimental to the continued health and stability of the affected tree.

Reason: To protect tree roots from damage likely to lead to the loss of the trees in the interests of the visual amenities of the locality in accordance with Policy D DM1 of the Arun Local Plan.

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

Local Planning Authority.

No tree planting within 3.0 metres either side of the public sewers and all existing infrastructure should be protected during the course of construction works. No new soakaways should be located within 5m of foul rising main or foul sewer.

Reason: To protect tree roots from damage likely to lead to the loss of the tree in the interests of the visual amenities of the locality; and to ensure the retention and maintenance of trees and vegetation which is an important feature of the area and In order to safeguard the public sewer and associated infrastructure, in accordance with Policy D DM1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition to ensure that all the existing trees/bushes/hedges to be retained on the site are protected from the start of the site clearance and construction works.

16 Prior to the commencement of the development hereby approved, a detailed level survey of the site including existing and resulting ground levels and the slab levels of the building the subject of this approval, shall be submitted to and be approved by the Local Planning Authority. The development shall proceed only in accordance with the details thus approved and there shall be no subsequent raising of levels without prior written approval of the Local Planning Authority.

Reason: In order to safeguard the amenities of the area and neighbouring residents in accordance with Policy D DM1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition to ensure that the development is visually in keeping with the surrounding area and there is no need to alter ground levels on the site.

17 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes and samples of such materials and finishes to be used for external walls (and roofs) of the proposed building(s)/extension have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building/extension.

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 Policy D DM1 of the Arun Local Plan.

18 The development, hereby permitted, shall not be occupied until the access and associated off-site highway works have been constructed in accordance with plans and details (including recommendations of any associated Road Safety Audits) to be submitted to and be approved by the Local Planning Authority after consultation with the Local Highway Authority.

Reason: To ensure fit-for-purpose access constructed to appropriate design and safety standards in accordance with Policy D DM1 and Policy T SP1 of the Arun Local Plan.

19 No development above damp proof course (DPC) level shall take place until the internal roads and associated infrastructure has been constructed in accordance with plans and details to be submitted to and approved by the Local Planning Authority after consultation with the Local Highway Authority. This shall include (but not necessarily be limited to) visibility splays, pedestrian and cycle access considerations, service margins and recommendations of any associated Road Safety Audits.

Reason: To ensure fit-for-purpose roads constructed to appropriate design and safety standards in accordance with Policy T SP1 of the Arun Local Plan.

20 No dwelling shall be occupied until the car parking spaces to serve it have been constructed in

accordance with the approved plans. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use accordance with Policy T SP1 of the Arun Local Plan.

21 No dwelling shall be occupied until the cycle parking has been constructed in accordance with the approved plans. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use accordance with Policy T SP1 and Policy T DM1 of the Arun District Local Plan.

22 No development shall be occupied until any disused crossovers and/or accesses no longer required as part of the development, have been permanently removed and reinstated in accordance with Highway Authority specifications to be submitted to and approved by the LPA for consultation with the CHA.

Reason: To ensure that any access points not required to serve the development are permanently removed to avoid risk of inappropriate re-opening in the future and also in the interests of road safety in accordance with Policy D DM1 and Policy T SP1 of the Arun Local Plan.

23 No development above damp proof course (DPC) level shall take place until provision has been made within the site in accordance with details to be submitted to and approved by the Local Planning Authority after consultation with the Local Highway Authority to prevent surface water draining onto the public highway.

Reason: In the interests of road safety in accordance with Policy D DM1 and Policy T SP1 of the Arun Local Plan.

24 No development above damp proof course (DPC) level shall take place until a scheme for street lighting has been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority after consultation with the Highway Authority.

Reason: In the interests of road safety in accordance with Policy D DM1 and Policy T SP1 of the Arun Local Plan.

25 No development above damp proof course (DPC) level shall take place until a scheme for landscaping on parts of the proposed adopted road network has been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority after consultation with the Local Highway Authority.

Reason: In the interests of road safety in accordance with Policy D DM1 of the Arun Local Plan.

26 The development, hereby approved, shall not be occupied until a Travel Plan has been provided in accordance with recognised WSCC guidelines and good practice - details to be submitted to and approved by the Local Planning Authority after consultation with the Highway Authority.

Reason: To encourage sustainable access to and from the development and to reduce the need to travel by private car accordance with Policy T SP1 of the Arun Local Plan.

27 Prior to development commencing, a Construction Management Plan shall be submitted to and be approved in writing by the Local Planning Authority after consultation with the Highway

Authority. This shall require the applicant and contractors to minimise disturbance during demolition and construction and will include (but not be limited to) details of the following information for approval:

· the phased programme of construction works;
· the means of access and road routing for all construction traffic associated with the development;
· provision of wheel washing facilities and details of their operation and location;
· details of street sweeping;
· construction working times including delivery times;
· details of a means of suppressing dust arising from the development;
· details of all proposed external lighting to be used during construction;
· details of areas for the loading, unloading, parking and turning of vehicles associated with the construction of the development;
· details of areas to be used for the storage of plant, waste and materials associated with the development;
· details of the temporary construction site enclosure to be used throughout the course of construction (including access gates).
· contact details for the site contractor, site foreman and CDM co-ordinator (including out-of-hours contact details).
· evidence of consultation with neighbours prior to works commencing.
· details of any temporary traffic management that may be required to facilitate the development including Chapter 8 traffic signage
· a Section 59 Agreement (required only if construction traffic exceeds 20 HGV vehicles per day over a six-month period).

Details of how measures will be put in place to address any environmental problems arising from any of the above shall be provided. A named person shall be appointed by the applicant to deal with complaints, shall be available on site and their availability made known to all relevant parties.

Reason: To ensure safe and neighbourly construction in the interests of amenity and road safety in accordance with Policy D DM1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition to ensure that measures are in place from the outset to minimise disturbance to neighbouring residents during demolition and construction works.

28 No dwelling shall be occupied until the foul water drainage scheme for that property has been implemented in accordance with the approved details (set out in Drawing Numbers 19377-GS-Z1-XX-DR-C-1060 & 1061 Revision 4, dated 13/09/2018) and the details so approved shall be retained in good working order in perpetuity.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with Policy D DM1 and Policy W DM1 of the Arun Local Plan.

29 No development above damp proof course (DPC) level shall take place on any phase until there has been submitted to, and approved by, the Local Planning Authority, a detailed ecological enhancement scheme (which shall include the installation of 4 bat boxes and 15 bird boxes throughout the site) shall be submitted to the LPA for approval and will be based on the recommendations within the supporting ecological statement and as appropriate. All approved details shall then be implemented in full and in accordance with the agreed timings and details.

Reason: This condition is necessary to ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in line with national guidance and Policy ENV DM4, Policy ENV DM5 and Policy ENV SP1 of the

Arun Local Plan.

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

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

Reason: In the interests of amenity in accordance with Policy D DM1 of the Arun Local Plan.

31 At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low-carbon energy sources or equivalent fabric first standards that would secure a 10% reduction in energy use. No development above damp proof course (DPC) level shall take place unless and until details and a timetable of how this is to be achieved, including details of physical works on site, have been submitted to and approved in writing by the Local Planning Authority The approved details shall be implemented in accordance with the approved timetable and retained as operational thereafter, unless otherwise agreed in writing by the local planning authority.

Reason: In order to seek to achieve high levels of energy efficiency in accordance with the aims of the NPPF, in accordance with Policy D DM1 and Policy ECC SP2 of the Arun Local Plan.

32 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) no extensions (including porches or dormer windows) to the dwelling houses shall be constructed or buildings shall be erected within the curtilage unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To safeguard the privacy and amenity of adjoining occupiers, maintain adequate amenity space and safeguard the cohesive appearance of the development in accordance with Policy D DM1 of the Arun District Local Plan.

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

34 INFORMATIVE: The developer is asked to sign up to the Developer and Partner Charter as well as produce a skills and employment plan relating to the site. Details can be provided bt Arun District Council Economic Development.

35 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 0845 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.

36 INFORMATIVE: Applications for S38 and/or S278 Agreements should be made to WSCC as Highway Authority. Full details are available on the WSCC website.

37 INFORMATIVE: Roads not forming part of the adopted highway network and/or not intended to be offered for adoption, will not be inspected by the Highway Authority during or after any construction phases. Such roads should, however, be assessed and formally signed-

off/approved by a suitable Chartered civil engineer to the satisfaction of the LPA.

38 INFORMATIVE:The applicant should contact West Sussex County Council Legal Services to obtain necessary information to enter into the Section 59 Agreement under the Highways Act 1980 as referred to in condition 10 above if HGV construction vehicles exceed 20 per day. The Agreement is required to provide a means of making good the public highway following the cessation of construction traffic and building work on the site.

39 INFORMATIVE:The applicant is advised that the erection of temporary directional signage should be agreed with the Local Traffic Engineer prior to any signage being installed. The applicant should be aware that a charge will be applied for this service.

40 INFORMATIVE: The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received.
For further information please contact the Environmental Health Department on 01903 737500.

41 INFORMATIVE: The applicant's attention is drawn to the requirements of the Environmental Protection Act 1990 and the Clean Air Act 1993 with regard to burning on site. A 'Statutory Nuisance' may be caused by smoke and ash from fires or noise from the cutting or chipping trees. In addition, air quality could be adversely affected on large projects. The granting of this planning permission does not permit a statutory nuisance to be caused. The Environment Agency should also be contacted regarding Exemption Permits to burn on site.

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

43 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

44 INFORMATIVE: Occupation of the development is to be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate waste water network capacity is available to adequately drain the development.