



# Public Document Pack

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28 April 2022

## PLANNING COMMITTEE

A meeting of the Planning Committee will be held in **Council Chamber at the Arun Civic Centre, Maltravers Road, Littlehampton BN17 5LF** on **Thursday 28 April 2022 at 2.00 pm** and you are requested to attend.

Members: Councillors Chapman (Chair), Lury (Vice-Chair), Blanchard-Cooper, Bower, Chace, Coster, Edwards, Goodheart, Kelly, Thurston and Tilbrook

**PLEASE NOTE THAT THE ORDER OF THE AGENDA MAY BE ALTERED AT THE DISCRETION OF THE CHAIRMAN AND SUBJECT TO THE AGREEMENT OF THE MEMBERS OF THE COMMITTEE**

**PLEASE ALSO NOTE THAT PLANS OF THE APPLICATIONS DETAILED IN THE AGENDA ARE AVAILABLE FOR INSPECTION AT THE COUNCIL'S PLANNING RECEPTION AT THE CIVIC CENTRE AND/OR ON LINE AT [www.arun.gov.uk/planning](http://www.arun.gov.uk/planning)<<http://www.arun.gov.uk/planning>>**

## **AGENDA – SUPPLEMENT – OFFICE REPORT UPDATES**

### **OFFICER REPORT UPDATES**

The Officer Report Updates are attached.

These meetings are webcast live.

To watch recorded webcasts use the following link - Development Control [Webcast Page](#)

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## PLANNING COMMITTEE – 28 APRIL 2022

**Amended Running Order – only showing applications that have changed position on the agenda**

<b>2pm</b>	
<b>Application</b>	<b>NEW Agenda Item No.</b>
<b>AB/148/21/PL – 7 CANADA ROAD, ARUNDEL BN18 9HZ</b> <b>[Previously agenda item number 13]</b>  <b>No Public Speakers</b>	9
<b>BR/285/21/PL – REAR OF 73-75 ALDWICK ROAD, BOGNOR REGIS PO21 2NW [Previously Item 9]</b>  <b>1 Public Speaker</b> James Hutchinson - Agent	10
<b>BN172/21/PL – EASTERGATE PUMPING STATION, FONTWELL AVENUE PO22 9PA [Previously agenda item number 10]</b>  <b>1 Public Speaker</b> Jozie Bannister - Agent	11
<b>BE/176/21/PL – THE COTTAGE, SHRIPNEY ROAD, BOGNOR REGIS PO22 9PA [Previously agenda item number 11]</b>  <b>1 Public Speaker</b> Claire Howes - Agent	12
<b>AL/129/21/OUT – LAND ADJACENT TO WOODGATE NURSERIES, LIDSEY ROD, ALDINGBOURNE PO20 3SU [Previously agenda item number 12]</b>  <b>2 Public Speakers</b> Patrick Johnston - Objector Nigel Jarvis - Agent	13



Further Update for Planning Committee 28-04-2022

Application No: CM/68/21/PL.

Variation of condition following grant of CM/16/21/PL relating to Condition No 5 - opening hours. This application may affect the setting of a Listed Building. The Bald Kitchen, Site of former Bairds Farm Shop, Crookthorn Lane Climping.

Reason for Update

Two additional representations:

- The proposed boundary treatment along the western side of the Bald Kitchen site in the form of planted laurels is still outstanding (CM/16/21/PL). This boundary fence line is currently used for storing stacked bags of soil/compost, 2x mounds of chipping/mulch, a partially blocked fire safety assembly point and the orange shipping container.

Officer Comment: - The March Planning Committee were incorrectly advised in the case officer's report that Condition 8 relating to boundary treatment had been complied with.

This error was established by further enforcement investigations post committee. Investigations to address this will be resumed once there is adequate enforcement cover.



## REPORT UPDATE

**Application no:** P/155/21/RES  
**Page no:** 31  
**Location:** Land West of Pagham Road Pagham  
**Description:** Approval of reserved matters (layout, scale, appearance and landscaping) following outline consent P/140/16/OUT for the 'local centre' parcel which comprises of retail, community and commercial uses, 20 No residential apartments and a 70 bed care home.

### UPDATE DETAILS

#### Reason for Update/Changes:

1. In response to the holding objection from the Council's Drainage Engineers a technical note was provided in response by the applicant. In response to this a further holding objection has been provided which is summarised below:

- The technical note responding to our comments does not address our comments.
- Please respond fully to our comments from the 14th December with calculations and high level drainage layouts.

2. A further letter of objection has been received from the Sussex Ornithological Society dated the 22nd April 2022. A summary is provided below:

- a) There is no firm plan to improve sewerage capacity which have been put forward for public inspection or comment. There should be no discharges of sewerage to Pagham Harbour SPA.
- b) Full surface water drainage details have not been provided in support of this application. The details which have been provided are insufficient.
- c) There is an absence of progress for a viable mitigation plan for brent geese. Without mitigation being implemented and demonstrated to work we will continue to oppose any development.
- d) The application contains no assessment of biodiversity net gain or loss.

3. The applicant provided amended plans for Block A with the ridge height being reduced. Out of courtesy to Pagham Parish Council a further consultation was sent on the 25th March. However, instead of 21 days this consultation allowed 37 days and as such the consultation period did not expire until the 30th April. Comments were received from Pagham Parish Council on the 27th April and these are summarised below:

#### The Heritage Impact Assessment

- Historic England contacted Arun District Council, during the determination of the outline planning application setting out the parameters for an acceptable Heritage Impact Assessment in relation to the original outline application. The same officer at Historic England has submitted a letter stating she has no further comments, the tests should also apply to the subsequent reserved matters application.
- The Parish Council would like to ensure this is a full heritage impact assessment. There is no commentary on the impact in different seasons and any differences in impact between day and

night, as required in the 2017 letter. No account has been taken of other development proposed for the area.

#### Village Design Statement

- No account has been taken in this latest amended version of the plan of the Pagham Village Design Statement. This document is a material planning consideration and does not allow for 3 storey buildings in the Pagham Road area.

#### Brent Geese

- We are aware of the shortcomings of the mitigation measures put in place to compensate for the loss of foraging habitat for Brent Geese. The problems have been raised with Arun District Council by the Sussex Ornithological Society and yet these issues have still not been addressed by the applicant or Arun District Council. Layout should not be finalised until the land required for mitigation has been proven to work.
- ADC should ensure that the newly-appointed Essex CC are provided with a copy of the Sussex Ornithological Society report in respect of foraging mitigation.

#### Drainage

- The Climate Central maps show that this land will flood once a year from 2030 onwards. The Parish Council expressed its concerns over the understanding of the developer of the way the drainage system works in the area, and it is not satisfied that the issues are fully resolved or understood. Layout should not be finalised until this is resolved.

#### Spine Road

- the Council would like to see a wider road. This does not allow for vehicles to easily pass.

#### Ecology Officer

- there is no response yet to the ecology report submitted by the applicant.

4. Whilst, comments have now been received from the Parish Council further consultees were advised of the changes. Whilst, no further comments are anticipated the recommendation should be amended as follows:

**RECOMMENDATION:** The recommendation is for the Planning Committee to delegate, to the Group Head of Planning in consultation with the Chair and Vice Chair, authority to grant planning permission subject to conditions following the expiry of the consultation period on the 30th April 2022.

#### Officers Comment:

1. Comments from the Council's drainage engineer are noted. However, the position remains as identified within the officer's recommendation report. It is considered that detailed drainage design will need to be resolved through the discharge of relevant conditions imposed on the outline approval. Should the layout be unable to facilitate the necessary drainage infrastructure then it would not be possible for the developer to commence development.

2. Comments from the Sussex Ornithological Society are noted. The following <sup>update(ODR 57)</sup> comments are

provided in response to each of the matters raised:

- a) Foul sewerage capacity - This matter was considered through the determination of P/140/16/OUT with condition 14 which requires the development to be phased 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.
- b) Surface Water Drainage - Conditions 10, 11 and 12 imposed on P/140/16/OUT require submission of full drainage details for approval by the LPA prior to the commencement of development. These conditions will provide adequate certainty to ensure the surface water drainage system is functional and fit for purpose.
- c) Brent Geese Mitigation - Condition 30 imposed on P/140/16/OUT requires submission of these details for approval prior to commencement. There is no requirement for the applicant to demonstrate or implement this mitigation at this time.
- d) Ecology - Ecological impacts were considered through the approval of P/140/16/OUT with conditions and the S106 seeking to secure details of construction, environmental and landscape management. Given this matter has already been considered and adequately dealt with there was no requirement for further consideration through this reserved matters application.

3. In response to the comments from the Parish Council the following comments are provided:

#### The Heritage Impact Assessment

- The heritage statement provided in support of the planning application accords with the requirements of the NPPF. A further assessment has been undertaken by the Council's Conservation Officer who has identified less than substantial harm (on the lower end of the scale) to the Parish Church of St. Thomas a Becket. In accordance with the NPPF this has been balanced against the benefits of the development and is acceptable. There is no further requirement in regards to the assessment of the impact of the proposals upon heritage assets.

#### Village Design Statement

- It is unclear as to what version of the Pagham Village Design Statement the Parish refer. However, the versions contained on the Arun District Council and Pagham Parish Council website are both dated November 2007. Having reviewed this document during determination and subsequently to the latest comments from the Parish it has not been possible to identify any prohibition of 3 storey development on Pagham Road.

It is identified on Page 15 of the Village Design Statement that under section '5. Church Lane & Church Farm' that development will be restricted to 1 or 2-storey buildings only. However, this section is identified as relating solely to Church Lane and Church Close. Therefore, the development as proposed would accord with the village design statement as this limitation is not relevant to the application site.

#### Brent Geese

- As identified elsewhere in the report Condition 30 imposed on P/140/16/OUT requires submission of these details for approval prior to commencement. There is no requirement for the applicant to demonstrate or implement this mitigation at this time.

#### Drainage

update(ODB 57)

- The Parish Council have made reference to 'Climate Central' which is a 'science and new organisation' based in America who have an interactive map which shows areas threatened by sea level rise and coastal flooding. This mapping system features the following caveat in relation to this data:

"As these maps incorporate big datasets, which always include some error, these maps should be regarded as screening tools to identify places that may require deeper investigation of risk.

Outside of the United States, maps are based on global-scale datasets for elevation and tides in addition to sea level rise projections. For the 50 U.S. states, more accurate but still imperfect data are used.

Areas lower than the selected water level and with an unobstructed path to the ocean are shaded red..."

- Flood risk of the site was considered through the determination of P/140/16/OUT with pre-commencement Conditions having been imposed on the outline approval to secure details of drainage design. This has been set out in the officer's report and these conclusions remain unchanged.

#### Spine Road

- The spine road will measure 7.3m in width, with the roads within the local centre measuring approximately 6m in width. These are more than sufficient for the scale of development proposed.

#### Ecology

- As identified within the officer's report Condition 15 imposed on P/140/16/OUT requires the submission of an Ecological Management and Mitigation Plan. This is required to align with the Ecological Assessment that was submitted in support of the outline approval. In addition to this a further condition relating to lighting details has been included as part of this recommendation to ensure those details are considered and approved prior to commencement of development.

4. No comments.

Note: The changes to recommendation are as follows:

**RECOMMENDATION:** The recommendation is for the Planning Committee to delegate, to the Group Head of Planning in consultation with the Chair and Vice Chair, authority to grant planning permission following the expiry of the consultation period on the 30th April 2022.

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Outline planning application with all matters reserved (except access) for residential development with up to 95no. dwellings (Use Class C3), informal and formal public open space, landscaping, drainage and other associated works. This application is a Departure from the Development Plan.

Land adjacent to Woodgate Nurseries  
Lidsey Road  
Aldingbourne

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## RECOMMENDATION

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ACS - App Cond sub to S106

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- 1 The permission hereby granted is an outline permission under s92 of the Town and Country Planning Act 1990 (as amended) and an application for the approval of the Local Planning Authority to the following matters must be made not later than the expiration of 3 years beginning with the date of this permission:-

- (a) Layout;
- (b) Scale;
- (c) Appearance;
- (e) Landscaping.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be begun either before the expiration of 5 years from the date of this permission, or before expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

- 3 The development hereby approved shall be carried out in accordance with the following approved plans

Dwg DLA.2052.L.14 Rev 04 Red Line Boundary Plan (Location Plan);  
Dwg 36 Rev F Proposed Access Arrangements Sheet 1 of 3;  
Dwg 36 Rev F Proposed Access Arrangements Sheet 2 of 3;  
Dwg 36 Rev F Proposed Access Arrangements Sheet 3 of 3;  
Dwg 38 Rev A Plan showing Proposed Access Arrangements overlain with highway boundary;  
Dwg TR02 Rev C Refuse Collection Vehicle Site Access Swept Path Analysis;  
Dwg TR04 Rev B 16.5m Articulated Vehicle Site Access Swept Path Analysis; and  
Dwg TR05 Woodgate House Access Swept Path Analysis.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies C SP1, D DM1, QE SP1, QE DM3, T SP1 and T DM1 of the Arun Local Plan.

- 4 The development shall be carried out in complete accordance with the mitigations and enhancements set out in sections 5 and 6 of the submitted Ecological Impact Assessment (01/09/21, P3816). The proposed enhancements shall be detailed on the landscape details to be submitted pursuant to condition 1 and shall also include the following additional measures:

- New native trees planted on a ratio of 2 for every 1 lost including street trees which are suitable to their location and are given space to grow; and
- Log piles and hedgehog boxes provided on-site.

Reason: To demonstrate biodiversity net gain in accordance with Arun Local Plan policy ENV DM5 and the NPPF.

- 5 The development hereby approved shall be carried out in accordance with the mitigation measures set out in the Noise Impact Assessment by 24 Acoustics (R9249-1 Rev 1, 04/10/21). An acoustic assessment of compliance the report shall then be submitted to the Local Planning Authority no later than two months after commencement of the development hereby permitted. Any further provisions indicated in the assessment which need to be made to control noise shall be submitted in writing for the written approval of the Local Planning Authority within 1 month of the assessment and all works form part of the approved scheme shall thereafter be implemented in accordance with a timetable to be agreed in writing by the Local Planning Authority and thereafter maintained.

Reason: To protect the amenity of local residents in accordance with Policy QE DM1 of the Arun Local Plan.

- 6 No demolition/construction activities shall take place other than from 08:00 hours until 18:00 hours (Monday to Friday) and from 08:00 hours until 13:00 hours (Saturday) with no noisy work (defined as not involving any machinery/plant) on Sunday or Bank/Public Holidays. In addition, there shall be no external working an hour before, during and an hour after sunset and sunrise even if those times fall within the above time periods.

Reason: To protect the amenity of local residents and on-site biodiversity in accordance with policies ENV DM5, QE SP1 and QE DM1 of the Arun Local Plan and the NPPF.

- 7 The details submitted pursuant to condition 1 shall include 1.8m high acoustic fencing to protect the houses adjacent to the western boundary and also adjacent to the northern boundary of the northern most part of the site. The reserved matters submission shall include full details of this including design and placement. However, the siting of such fencing should not conflict with the proposed wildlife buffer along the western boundary.

Reason: To protect the amenities of new residents from noise associated with the horticultural site to the west & north west in accordance with policy QE DM1 of the Arun Local Plan.

- 8 The landscape and layout details to be submitted pursuant to condition 1 shall include the following items:

(1) Details of all existing trees and hedgerows on the land indicating which are to be retained and which are to be removed. These required details are to include a 'Tree Survey Schedule', a 'Root Protection Area (RPA) Schedule', a 'Tree Constraints Plan', and in the event that a root protection area of any tree which is proposed for retention overlaps the development, then an 'Arboricultural Method Statement' and a 'Tree Protection Plan'. Development shall be carried out in accordance with the approved details. No hedge or tree shall be felled, uprooted or otherwise removed before, during or after the construction period except where removal is indicated on a plan approved by the local planning authority;

(2) Details of the position, design, materials, height and type of boundary treatments to be provided. The boundary treatments shall be provided to each dwelling before the dwelling is occupied or in accordance with the approved phasing plan. Gaps shall be included at the bottom of the fences to allow movement of small mammals across the site. Development shall be carried out in accordance with the approved details and permanently retained in a useable condition thereafter;

(3) A mitigation method statement which provides full details of how the dark 5m wide corridors along the southern and western boundaries as per figure 1 of the submitted "Lighting and Reptile Strategy Addendum" (28/01/22, P3816) are to be protected and enhanced for bats and other wildlife. The proposed protection details must include a 5m buffer zone to be secured by fencing around the retained natural areas during construction. The development shall thereafter proceed in accordance with the approved hedgerow protection and enhancement measures;

(4) A Landscape Management Plan to provide full details on how the habitats and enhancements on the development will be managed post construction;

(5) Full details of all new external lighting (including type of light appliance, the height and position of fitting, predicted illumination levels and light spillage). This submission should also cover new streetlighting if required. The scheme should seek to conform with the recommendations of the Institution of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Obtrusive Light" (GN01:2011) but also minimise potential impacts to any bats using the trees and hedgerows (in accordance with the BCT/ILP Guidance Note 08.18) by avoiding unnecessary artificial light spill through the use of directional light sources and shielding. In particular, there should be no external lighting within or that illuminates the dark corridors referred to in (3) above and care should be exercised in respect of lighting directed to the other site boundaries. The lighting approved shall be installed and maintained in accordance with the approved details.

Reason: In the interest of visual amenity, the quality of the environment, the site biodiversity (particularly in respect of bats), the interests of minimising crime and to minimise unnecessary light spillage outside the development site in accordance with policies D DM1, QE SP1, QE DM2, ENV DM4 and ENV DM5 of the Arun Local Plan and the NPPF.

- 9 The layout and landscape details to be submitted pursuant to condition 1 shall include full details of the required public open space (POS) & play areas and management arrangements. The POS and play areas shall thereafter be implemented in accordance with the provision as agreed prior to occupation of the 47th dwelling and permanently retained thereafter. The approved management details shall then be permanently adhered to.

Reason: To ensure that the POS and Play provision is provided and that a management regime is established in accordance with policy OSR DM1 of the Arun Local Plan.

- 10 The layout, scale and appearance details to be submitted pursuant to condition 1 shall include the following items:

(1) A scheme for the provision of facilities to enable the charging of electric vehicles in accordance with the Arun Parking Standards SPD to serve the approved dwellings;

(2) A detailed level survey of the site including existing and resulting ground levels and the slab levels of the buildings the subject of this approval;

(3) 5% of all parking provided as suitable for disabled persons;

(4) Full details of cycle storage including elevations where provided in separate buildings; and

(4) A colour schedule of the materials and finishes to be used for the external walls and roofs of the proposed buildings.

Reasons: In the interests of visual amenity, road safety, the needs of the disabled, to mitigate against any potential adverse impact of the development on local air quality and as new petrol, diesel and hybrid cars/vans will not be sold beyond 2030 all in accordance with policies T SP1, D DM1, QE SP1, QE DM3 of the Arun Local Plan, the Arun Parking Standards SPD and the NPPF.

- 11 Should any temporary showhome/s or sales areas be required then full details shall be provided prior to any part of the development site reaching damp proof course (DPC) level. Such details shall include any temporary buildings or temporary changes to buildings and any temporary change to the development layout. The approved details shall be for a temporary period only ending on or before the date that the last dwelling on the site has been sold. The buildings or area shall then be returned to their approved permanent appearance within 3 months of the date of the last building sold.

Reason: In the interest of visual & residential amenity and the character/appearance of the surrounding area in accordance with policies D DM1 and QE SP1 of the Arun Local Plan.

- 12 Detailed plans and particulars of the Reserved Matters submitted to the Local Planning Authority for approval pursuant to condition 1 shall ensure that the scheme makes provision for accommodation to meet the Building Regulations Standards M4(2) and M4(3) in accordance with Aldingbourne Neighbourhood Development Plan Policy H2 and the Councils guidance note entitled "Accommodation for Older People and People with Disabilities Guidance".

Reason: To ensure that part of the development allows for residents to remain in their own homes over the course of their lifetime in accordance with policies D DM1 and D DM2 of the Arun Local Plan and policy H2 of the Aldingbourne Neighbourhood Development Plan.

- 13 No development shall take place, including any works of demolition, until a Construction & Environmental Management Plan and accompanying Site Setup Plan has been submitted to and approved in writing by the Local Planning Authority (who shall consult with National Highways, WSCC Highways, the Councils Environmental Health Officer and Ecologist as appropriate). Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. 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 anticipated, number, frequency, types and timing of vehicles used during construction (construction vehicles should avoid the strategic road network during the peak hours of 0800-0900 and 1700-1800 where practicable);
- the sheeting of any loose loads;
- the means of access and road routing for all construction traffic associated with the development;
- provision of wheel washing facilities (details of their operation & location) and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulations Orders);

- details of street sweeping;
- construction vehicle delivery times;
- details of a means of suppressing dust & dirt arising from the development;
- a scheme for recycling/disposing of waste resulting from demolition and construction works (i.e. no burning permitted);
- details of all proposed external lighting to be used during construction (including location, height, type & direction of light sources and intensity of illumination);
- 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 and materials associated with the development;
- details of the temporary construction site enclosure to be used throughout the course of construction (including access gates, decorative displays & facilities for public viewing, where appropriate);
- contact details for the site contractor, site foreman and CDM co-ordinator (including out-of-hours contact details);
- details of the arrangements for public engagement/consultation both prior to and continued liaison during the construction works;
- details of any temporary traffic management that may be required to facilitate the development including chapter 8 traffic signage;
- measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method of piling for foundations, the careful selection of plant and machinery and use of noise mitigation barrier(s).

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.

The Construction & Environmental Management Plan shall also include reference measures to minimise disturbance to bats and other wildlife during construction including the briefing of site operatives, monitoring by an ecologist and either securing or providing a means of escape for all deep pits/trenches/holes present on the site at night-time.

Reason: In the interests of the safety/amenity of nearby residents & occupiers of any nearby noise sensitive premises, the safety & general amenities of the area, biodiversity (particularly bats) and in the interests of highway safety in accordance with policies D DM1, ENV DM5, QE SP1, QE DM1, QE DM2, QE DM3 and T SP1 of the Arun Local Plan 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.

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

The submission of details shall also include a phasing plan drawn up to ensure that occupation of the site aligns 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.

Reason: To ensure that the proposed development has a satisfactory means of disposing of foul sewerage in accordance with policies W DM1 and W DM3 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the foul water drainage system prior to commencing any building works.

- 15 Development shall not commence, other than works of site survey and investigation, 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, and the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and winter Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage. No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

- 16 The development shall not proceed until details have been submitted to and approved in writing by the Local Planning Authority for any proposals: to discharge flows to watercourses; or for the culverting, diversion, infilling or obstruction of any watercourse on or adjacent to the site. Any

discharge to a watercourse must be at a rate no greater than the pre-development run-off values and in accordance with current policies. No construction is permitted, which will restrict current and future landowners from undertaking their riparian maintenance responsibilities in respect to any watercourse or culvert on or adjacent to the site.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W DM1, W DM2 and W DM3 of the Arun Local Plan. And 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. It is considered necessary for this to be a pre-commencement condition to protect existing watercourses prior to the construction commencing.

- 17 Development shall not commence until full details of the maintenance and management of the surface water drainage system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include details of financial management and arrangements for the replacement of major components at the end of the manufacturer's recommended design life. Upon completed construction of the surface water drainage system, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W DM1, W DM2 and W DM3 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition to ensure that the future maintenance and funding arrangements for the surface water disposal scheme are agreed before construction commences.

- 18 Development shall not commence, until a Soil Resource Plan has been submitted to and approved in writing by the Local Planning Authority. This shall set out how the best and most versatile soils on the site are to be protected during construction and then recycled/reused in the new development layout. The soil protection/mitigation measures shall be implemented as per the document and then permanently adhered to throughout the construction and development of the site.

Reason: In accordance with Arun Local Plan policy SO DM1 and the NPPF. It is necessary for this to be a pre-commencement condition to protect the best and most versatile soils on the site prior to the construction commencing.

- 19 At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low carbon energy sources (as described in the glossary at Annex 2 of the NPPF) unless it can be demonstrated that a fabric-first approach would achieve an equivalent energy saving. Details and a timetable of how this is to be achieved for each phase or sub phase of development, including details of physical works on site, shall be submitted to and approved in writing by the Local Planning Authority before any development in that phase or sub phase begins. The development shall be implemented in accordance with the approved details and timetable and retained as operational thereafter.

Reason: In order to secure a reduction in the use of energy at the site in accordance with national planning policy and policy ECC SP2 of the Arun Local Plan. This is required to be a pre-commencement condition because the approved measures may need to be built into the fabric of the buildings.

- 20 No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.

Reason: The site is of archaeological significance in accordance with Arun Local Plan Policy HER DM6. This is required to be a pre-commencement condition because it is not possible to carry out archaeological survey work once development including roads, foundations and surface infrastructure has commenced.

- 21 No development above damp proof course (DPC) level shall take place unless and until details of the proposed location of the required fire hydrants have been submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service.

Prior to the first occupation of any dwelling forming part of the proposed development, the developer shall at their own expense install the required fire hydrants (or in a phased programme if a large development) in the approved locations to BS:750 standards or stored water supply and arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting.

The fire hydrants shall thereafter be maintained as part of the development by the water undertaker at the expense of the Fire and Rescue Service if adopted as part of the public mains supply (Fire Services Act 2004) or by the owner/occupier if the installation is retained as a private network.

Reason: In the interests of amenity and in accordance with policy INF SP1 and T SP1 of the Arun Local Plan and in accordance with The Fire & Rescue Service Act 2004.

- 22 Prior to the occupation of any part of the development, a strategy for the provision of the highest available headline speed of broadband provision to future occupants of the site shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall take into account the timetable for the delivery of 'superfast broadband' (defined as having a headline access speed of 24Mb or more) in the vicinity of the site (to the extent that such information is available). The strategy shall seek to ensure that upon occupation of a dwelling, the provision of the highest available headline speed of broadband service to that dwelling from a site-wide network is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway. Unless evidence is put forward and agreed in writing by the Local Planning Authority that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure, the development of the site will continue in accordance with the approved strategy.

Reason: To safeguard the amenities of future residents in accordance with Arun Local Plan policy TEL SP1.

- 23 If residential properties are to be completed and occupied prior to the whole development being finished, a scheme to protect those early occupants from noise and vibration from construction activities should be submitted and approved in writing by the Local Planning Authority.

Reason: To protect the amenity of local residents in accordance with Policy QE DM1 of the Arun Local Plan.

- 24 No part of the development shall be first occupied until such time as the vehicular access arrangements serving the development have been constructed in accordance with the approved plans.

Reason: In the interests of road safety and in accordance with policy T SP1 of the Arun Local Plan and the NPPF.

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

Reason: To secure satisfactory standards of access for the proposed development and in accordance with policy T SP1 of the Arun Local Plan and the NPPF.

- 26 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 plans to be submitted to and approved by the Local Planning Authority in consultation with West Sussex Highways.

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

- 27 No part of the development shall be first occupied until visibility splays of 2.4m by 160m in both directions have been provided at the proposed vehicular access onto Lidsey Road in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above the adjoining carriageway level or as otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of road safety and in accordance with policy T SP1 of the Arun Local Plan and the NPPF.

- 28 The developer shall enter into a Section 278 agreement with the local highway authority to enable the offsite highway improvements shown on the approved drawings listed in condition 3 to be implemented. These shall then be completed prior to the occupation of any part of the development.

Reason: In the interests of road safety and accessibility in accordance with policies T SP1 and T DM1 of the Arun Local Plan and the NPPF.

- 29 Immediately following implementation of the approved surface water drainage system 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. The scheme shall thereafter be maintained in perpetuity.

Reason: To ensure that the proposed development is satisfactorily drained and in accordance with

policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan.

- 30 If during development, any visible contaminated or odorous material, (for example, asbestos containing material, stained soil, petrol / diesel / solvent odour, underground tanks or associated pipework) not previously identified, is found to be present at the site, no further development (unless otherwise expressly agreed in writing with the Local Planning Authority) shall be carried out until it has been fully investigated using suitably qualified independent consultant(s). The Local Planning Authority must be informed immediately of the nature and degree of the contamination present and a method statement detailing how the unsuspected contamination shall be dealt with must be prepared and submitted to the Local Planning Authority for approval in writing before being implemented. If no such contaminated material is identified during the development, a statement to this effect must be submitted in writing to the Local Planning Authority.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment & prevention of harm to human health in accordance with Arun Local Plan policies QE SP1 and QE DM4.

- 31 **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.

- 32 **INFORMATIVE:** This decision has been granted in conjunction with a Section 106 legal agreement relating to:

(1) The provision of 30% affordable dwellings (consisting of 67% affordable rented, 25% First Homes & 8% Intermediate). The s106 will be tailored to include local housing clauses and involve the ABE CLT;

(2) A contribution of £48,980.10 (index linked) from this application site towards mitigation measures on the A27 between the A27/B2233 Nyton Road junction and the A27/A280 Patching dumbbell roundabout; and

(3) A Travel Plan and its associated fee of £3,500 (at the time of writing) for monitoring and auditing of the Travel Plan.

- 33 **INFORMATIVE:** The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.

- 34 **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.

- 35 **INFORMATIVE:** In the interests of crime prevention and deterrence, the development should incorporate security measures in accordance with the consultation advice of Sussex Police (dated 15/11/21) as available on the Councils website.

- 36 **INFORMATIVE:** A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk). Please read the New Connections Services Charging Arrangements documents which is available to read on the following website: <https://beta.southernwater.co.uk/infrastructurecharges>.

- 37 **INFORMATIVE:** A public sewer crosses part of the site north of Woodgate House and measures will need to be taken to protect it during construction. There are also rules on construction above a sewer in order to prevent damage and allow for future maintenance. Please discuss this with Southern Water - Developer.Services@southernwater.co.uk.

- 38 **INFORMATIVE:** Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The infiltration tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method. All design storms must include a climate change allowance of 40% on stored volumes or rainfall intensity. Infiltration structures must cater for the critical 1 in 10 year storm event, (plus40%)

between the invert of the entry pipe to the soakaway and the base of the structure. The design must also have provision to ensure there is capacity in the system to contain the critical 1 in 100 year storm event (plus 40%).

Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest groundwater table in support of the design. The applicant is advised to discuss the extent of ground water monitoring with the council's engineers.

Supplementary guidance notes regarding surface water drainage are located at <https://www.arun.gov.uk/drainage-planning-consultations> on Arun District Council's website. A surface water drainage checklist is available on Arun District Council's website, this should be submitted with a Discharge of Conditions Application.

- 39      INFORMATIVE: Under Section 23 of the Land Drainage Act 1991 Land Drainage Consent must be sought from the Lead Local Flood Authority (West Sussex County Council), or its agent (Arun District Council [land.drainage@arun.gov.uk](mailto:land.drainage@arun.gov.uk)), prior to starting any works (temporary or permanent) that affect the flow of water in an ordinary watercourse. Such works may include culverting, channel diversion, discharge of flows, connections, headwalls and the installation of trash screens. The development layout must take account of any existing watercourses (open or culverted) to ensure that future access for maintenance is not restricted. No development is permitted within 3m of the bank of an ordinary watercourse, or 3m of a culverted ordinary watercourse.
- 40      INFORMATIVE: If during construction works, it becomes apparent that implementation cannot be carried in accordance with previously agreed details any resubmission of the drainage design must be accompanied by an updated copy of the management manual.
- 41      INFORMATIVE: A surface water drainage verification condition guidance note is available at <https://www.arun.gov.uk/drainage-planning-consultations> and this clearly sets out our requirements for discharging this condition.
- 42      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. For further information please contact the Environmental Health Department on (01903) 737555.
- 43      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/or ash from fires or noise from the cutting and/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 be contacted regarding Exemption Permits to burn on site.
- 44      INFORMATIVE: We encourage the highest practicable standards of building insulation and use of renewable forms of heating (such as ground and air source heat pumps) as opposed to natural gas boilers where possible. This action would contribute to the improvement of local air quality and reduce overall GHG emissions in the long term. If any heat pumps are to be included in the development the applicant shall be required to demonstrate that any pump/s meets the criteria detailed in the Micro Certification Scheme planning standards (MCS 020).
- 45      INFORMATIVE: The applicant is advised to enter into a Section 59 Agreement under the 1980 Highways Act, to cover the increase in extraordinary traffic that would result from construction vehicles and to enable the recovery of costs of any potential damage that may result to the public highway as a direct consequence of the construction traffic. The Applicant is advised to contact the Highway Officer (01243 642105) in order to commence this process (only necessary if daily HGV movements exceed 20 on a daily basis).
- 46      INFORMATIVE: 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.
- 47      INFORMATIVE: The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the proposed adoptable on-site highway works. The applicant is requested to contact The implementation Team Leader (01243 642105) to commence this process. The applicant is advised that any works commenced prior to the S38 agreement being in place are undertaken at their own risk.
- 48      INFORMATIVE: The applicant is advised of the requirement to enter into early discussions with and obtain the necessary licenses from the Highway Authority to cover any temporary construction related

works that will obstruct or affect the normal operation of the public highway prior to any works commencing. These temporary works may include, the placing of skips or other materials within the highway, the temporary closure of on-street parking bays, the imposition of temporary parking restrictions requiring a Temporary Traffic Regulation Order, the erection of hoarding or scaffolding within the limits of the highway, the provision of cranes over-sailing the highway.



## REPORT UPDATE

**Application no:** AL/129/21/OUT  
**Page no:** 115  
**Location:** Land adjacent to Woodgate Nurseries Lidsey Road Aldingbourne  
**Description:** Outline planning application with all matters reserved (except access) for residential development with up to 95no. dwellings (Use Class C3), informal and formal public open space, landscaping, drainage and other associated works. This application is a Departure from the Development Plan.

### UPDATE DETAILS

Reason for Update/Changes:

#### NATURAL ENGLAND

Natural England have responded to the Councils consultation request on its Appropriate Assessment to state that:

"Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions. This is providing that all mitigation measures are appropriately secured in any planning permission given. These measures include a sensitive lighting scheme across the site, protection and enhancement of existing hedgerows with native species attractive to bats, provision of dark corridors and incorporating integral bat roosting opportunities into new buildings."

Therefore this outstanding matter has been resolved.

#### OFF-SITE HIGHWAY WORKS

The applicant has advised that not all of the off-site works are within the red edge and therefore an additional condition has been agreed to require that these works be secured by a s278 agreement. The new condition is numbered 28 on the attached replacement recommendation sheet.

#### ADDITIONAL REPRESENTATION

The owner of The Paddock, Lidsey Road has written in to state that the site area includes land within his ownership and that the applicant has not discussed this with him. This matter has already been discussed briefly within the "Officers Comments on Reps" section of the report.

However, officers can advise further that we have seen copies of the Land Registry title plans for both the applicants ownership and that of the Paddock and these demonstrate that the red edge is correct and appear to suggest that part of the garden of the Paddock is within the applicants ownership. We only require applicants to serve notice on owners of land affected by the application and the way that this would be checked, should there be a dispute, would be via the Land Registry records which we have seen.

update(ODB 57)

Members will note that land ownership is not a material planning consideration. We cannot refuse an application on the basis of an ownership dispute and this would instead need to be resolved with the owner and through solicitors if necessary. The owner of the Paddock has been advised of this and has been given the details of the planning agent to discuss this with.

## REPORT UPDATE

**Application no:** BE/176/21/PL  
**Page no:** 87  
**Location:** The Cottage Shripney Road Bognor Regis  
**Description:** Demolition of existing dwelling and ancillary outbuildings and erection of a 66 bedroom care home with associated access, parking and landscaping. This site is in CIL Zone 3 (Zero Rated) as other development & is a Departure from the Development Plan.

### UPDATE DETAILS

#### Reason for Update/Changes:

The applicant has requested amendments to the proposed pre-commencement condition no. 9. This is due to it currently being worded as requiring a 5m deep buffer to all hedges but the proposed building is in places much closer thus preventing a continuous 5m deep buffer.

#### Officers Comment:

The amendments have been agreed and are shown on the attached replacement recommendation sheet.



Demolition of existing dwelling and ancillary outbuildings and erection of a 66 bedroom care home with associated access, parking and landscaping. This site is in CIL Zone 3 (Zero Rated) as other development & is a Departure from the Development Plan.

The Cottage  
Shripney Road  
Bognor Regis

## RECOMMENDATION

ACS - App Cond sub to S106

- 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:  
  
PO22 9AP-A-01 Location Plan;  
PO22 9AP-A-04 Proposed Floor Plans;  
PO22 9PA-A-05-1 Proposed Courtyard Elevations 1 & 2;  
PO22 9PA-A-05 Proposed Elevations;  
PO22-9PA-03 Rev A Proposed Site Plan;  
PO22 9PA-A-06 Proposed 66 Bed Care Home Visuals;  
2109058-05 Proposed Footway Arrangements;  
2109058-06 Site Access Visibility; and  
2109058-07 Pedestrian Crossing Visibility.  
  
Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies T SP1, QE SP1, D DM1 and ENV DM4 of the Arun Local Plan.
- 3 The development shall be carried out in complete accordance with mitigation measures and enhancements set out in section 4.0 of the Bat Report 2021 and section 4.0 of the Preliminary Ecological Appraisal June 2021. In addition, two bat bricks should be integrated into the building on site facing south/south westerly positioned 3-5m above ground, two hedgehog nesting boxes provided on the site and bird boxes installed on the building and/or trees within the site.  
  
Any brush piles, compost or debris piles on the site must only be removed outside of the hedgehog hibernation period (mid-October to mid-March inclusive) unless first checked by a qualified ecologist. If any small mammals are found then they must be relocated away from the construction area into surrounding suitable habitats. All piles removed outside of the hedgehog hibernation period must undergo soft demolition.  
  
Reason: To mitigate harm to wildlife and to demonstrate biodiversity net gain in accordance with Arun Local Plan policy ENV DM5 and the NPPF.
- 4 All activity at the site is to be carried out in strict accordance with the Arboricultural & Planning Integration Report, Arbortrack Systems Ltd, ref. jwmb/rpt8/thecottage/PI, 7th October 2021.  
  
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 the installation of these, 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 Utility Service Route connections are implemented on the site.  
  
Reason: To comply with BS5837 and Arun Local Plan policy ENV DM4 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.

- 5 No demolition/construction activities shall take place other than from 08:00 hours until 18:00 hours (Monday to Friday) and from 08:00 hours until 13:00 hours (Saturday) with no noisy work (defined as not involving any machinery/plant) on Sunday or Bank/Public Holidays.

Reason: To protect the amenity of local residents in accordance with policies QE SP1 and QE DM1 of the Arun Local Plan and the NPPF.

- 6 No delivery vehicles shall arrive or depart and no such vehicles shall be loaded or unloaded within the application site outside the hours of 07:00 to 19:00 Monday to Friday, 08:00 to 18:00 Saturday and not at any time on Sunday or Public or Bank Holidays.

Reason: To protect the amenity of local residents in accordance with policy QE DM1 of the Arun Local Plan.

- 7 Before the site is occupied or any machinery is introduced to the site or demolition work or construction work or alterations to existing ground levels takes place a PRE-COMMENCEMENT Site Meeting is to take place between the Planning Authority's Tree Officer and the Arboricultural Expert representing the site owner(s) - at this meeting all protective fencing and ground protection measures will be inspected to verify they are 'Fit for Purpose' as required under British Standard 5837:2012 and have been erected and positioned exactly as shown on the Tree Protection Plan, Appendix: A, Rev I, October 2021.

A schedule of Site Monitoring/Supervision visits and Reporting Procedures prepared by an Arboricultural Expert will be required and their extent will be agreed on at the site meeting to the satisfaction of the Planning Authority's Tree Officer.

Reasons: To comply with BS5837 and Arun Local Plan policy ENV DM4 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. This is required to be a pre commencement condition because it is necessary to ensure that trees are fully protected before the ground is disturbed and works commence.

- 8 At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low carbon energy sources (as described in the glossary at Annex 2 of the National Planning Policy Framework) unless it can be demonstrated that a fabric-first approach would achieve an equivalent energy saving. Details and a timetable of how this is to be achieved for each phase or sub phase of development, including details of physical works on site, shall be submitted to and approved in writing by the Local Planning Authority before any development above damp proof course (DPC) level in that phase or sub phase begins. The development shall be implemented in accordance with the approved details and timetable and retained as operational thereafter.

Reason: In order to secure a reduction in energy usage across the site in accordance with national planning policy, in accordance with policy ECC SP2 of the Arun Local Plan.

- 9 No development shall commence until a mitigation and management method statement has been submitted to and approved in writing by the Local Planning Authority to provide details of how those retained hedgerows are to be protected during construction. This will be secured by fencing to create a buffer of 5m around the retained hedgerows during construction unless such a buffer is not possible due to the position of agreed buildings in which case a reduced buffer will be acceptable. The development shall thereafter proceed in accordance with the approved hedgerow protection measures.

Reason: Bats use the hedgerows for foraging, habitat and commuting and therefore in accordance with the NPPF and policy ENV DM5 of the Arun Local Plan. This is required to be a pre-commencement condition because the hedgerow protection scheme must be in place prior to construction starting.

- 10 Development shall not commence, other than works of site survey and investigation, 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, and the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and winter Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage. No part of the building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with

policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

- 11 The development shall not proceed until details have been submitted to and approved in writing by the Local Planning Authority for any proposals: to discharge flows to watercourses; or for the culverting, diversion, infilling or obstruction of any watercourse on or adjacent to the site. Any discharge to a watercourse must be at a rate no greater than the pre-development run-off values and in accordance with current policies. No construction is permitted, which will restrict current and future landowners from undertaking their riparian maintenance responsibilities in respect to any watercourse or culvert on or adjacent to the site.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W DM1, W DM2 and W DM3 of the Arun Local Plan. And 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. It is considered necessary for this to be a pre-commencement condition to protect existing watercourses prior to the construction commencing.

- 12 Development shall not commence until full details of the maintenance and management of the surface water drainage system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include details of financial management and arrangements for the replacement of major components at the end of the manufacturer's recommended design life. Upon completed construction of the surface water drainage system, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W DM1, W DM2 and W DM3 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition to ensure that the future maintenance and funding arrangements for the surface water disposal scheme are agreed before construction commences.

- 13 No development shall take place, including any works of demolition, until a Construction & Environmental Management Plan and accompanying Site Setup Plan has been submitted to and approved in writing by the Local Planning Authority (who shall consult with WSCC Highways, the Councils Environmental Health Officer and Ecologist as appropriate). Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. 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 programme of construction works;
- the anticipated, number, frequency, types and timing of vehicles used during construction including delivery times;
- the means of access and road routing for all construction traffic associated with the development;
- provision of wheel washing facilities (details of their operation & location) and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulations Orders);
- details of street sweeping;
- details of a means of suppressing dust & dirt arising from the development;
- a scheme for recycling/disposing of waste resulting from demolition and construction works (i.e. no burning permitted);
- details of all proposed external lighting to be used during construction (including location, height, type & direction of light sources and intensity of illumination);
- 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 and materials associated with the development;
- details of the temporary construction site enclosure to be used throughout the course of construction (including access gates, decorative displays & facilities for public viewing, where appropriate);
- contact details for the site contractor, site foreman and CDM co-ordinator (including out-of-hours contact details);
- details of the arrangements for public engagement/consultation both prior to and continued liaison during the construction works;
- details of any temporary traffic management that may be required to facilitate the development including chapter 8 traffic signage;
- measures to minimise the noise (including vibration) generated by the construction process to include the careful selection of plant and machinery and use of noise mitigation barrier(s).

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.

The Construction & Environmental Management Plan shall also include reference measures to

minimise disturbance to bats and other wildlife during construction. This should include the briefing of site operatives and monitoring by an ecologist. In addition, all deep pits/trenches/holes/pipework greater than 200mm diameter present on the site should be secured or a means of escape provided within them during hours of darkness. All such excavations should be checked each morning. Any hazardous chemicals should also be suitably stored away so animals cannot access them.

Reason: In the interests of the safety/amenity of nearby residents & occupiers of any nearby noise sensitive premises, the safety & general amenities of the area, biodiversity (particularly bats) and in the interests of highway safety in accordance with policies D DM1, ENV DM5, QE SP1, QE DM1, QE DM2, QE DM3 and T SP1 of the Arun Local Plan 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.

- 14 No development above damp proof course (DPC) level shall take place unless and until details of the proposed location of the required fire hydrant has been submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service.

Prior to the first occupation of the premises, the developer shall at their own expense install the required fire hydrant in the approved location to BS:750 standards or stored water supply and arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting.

The fire hydrants shall thereafter be maintained as part of the development by the water undertaker at the expense of the Fire and Rescue Service if adopted as part of the public mains supply (Fire Services Act 2004) or by the owner/occupier if the installation is retained as a private network.

Reason: In the interests of amenity and in accordance with policy INF SP1 and T SP1 of the Arun Local Plan and in accordance with The Fire & Rescue Service Act 2004.

- 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.

The proposed landscape scheme will need to maximise the biodiversity of the site with the inclusion of habitat enhancements in accordance with section 4.0 of the Bat Report 2021 and section 4.0 of the Preliminary Ecological Appraisal June 2021. In addition, any trees that are felled to make way for the development should be replaced with new native species on a 2:1 basis.

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.

- 16 No development above damp proof course (DPC) level shall take place unless and until full details of the proposed pedestrian access improvements have been submitted to and approved in writing by the Local Planning Authority (who shall consult with WSCC Highways and its own Drainage Engineers). The scheme shall take account of the comments on this application regarding the culverting of watercourses. No part of the development shall then be occupied until such time as the approved pedestrian access improvements have been constructed.

Reason: In the interests of road safety and off-site drainage in accordance with policies T SP1, T DM1 and W DM3 of the Arun Local Plan.

- 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 care home building 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.

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 policies D SP1 and D DM1 of the Arun Local Plan.

- 18 Prior to the occupation of any part of the development, a strategy for the provision of the highest available headline speed of broadband provision to future occupants of the site shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall take into account the timetable for the delivery of 'superfast broadband' (defined as having a headline access speed of

24Mb or more) in the vicinity of the site (to the extent that such information is available). Unless evidence is put forward and agreed in writing by the Local Planning Authority that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure, the development of the site will continue in accordance with the approved strategy.

Reason: To safeguard the amenities of future residents in accordance with Arun Local Plan policy TEL SP1.

- 19 Prior to the occupation of any part of the development, full details of all new external lighting (including type of light appliance, the height and position of fitting, predicted illumination levels and light spillage) shall be submitted to and approved in writing by the Local Planning Authority. The scheme should seek to conform with the recommendations of the Institution of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Obtrusive Light" (GN01:2011) but also minimise potential impacts to any bats using the trees and hedgerows by incorporating the advice at section 4.4 of the submitted Bat Report 2021. The lighting approved shall be installed and maintained in accordance with the approved details.

Reason: In the interests of the amenities of the area, the site biodiversity (particularly in respect of bats), the interests of minimising crime, road safety and to minimise unnecessary light spillage outside the development site in accordance with policies QE SP1, QE DM2, T SP1 & ENV DM5 of the Arun Local Plan.

- 20 No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on the drawings 2109058-05, 2109058-06 & 2109058-07.

Reason: In the interests of road safety and in accordance with policy T SP1 of the Arun Local Plan and the NPPF.

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

Reason: To provide alternative travel options to the use of the car in accordance with policy T SP1 of the Arun Local Plan and the NPPF.

- 22 No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development in accordance with policy T SP1 of the Arun Local Plan and the NPPF.

- 23 Prior to occupation of any part of the premises, a scheme for the provision of facilities to enable the charging of electric vehicles to serve the approved care home shall be submitted to the local planning authority for approval and thereafter implemented in accordance with the approved details and the charge points shall thereafter be retained and maintained in good working condition.

Reason: New petrol and diesel cars/vans will not be sold beyond 2030, to mitigate against any potential adverse impact of the development on local air quality and to provide sustainable travel options in accordance with policies T SP1, T DM1 & QE DM3 (c) of the Arun Local Plan, the Arun District Council Electric Vehicle Infrastructure Study (November 2017) and the NPPF.

- 24 Prior to occupation of any part of the premises, a scheme and maintenance schedule for the extraction and treatment of fumes and odours generated from cooking or any other fume/odour generating activity undertaken on the premises, shall be submitted to and approved in writing by the Local Planning Authority. Any equipment, plant or process provided or undertaken in pursuance of this condition shall be installed prior to the first operation of the premises and shall thereafter be operated and retained in compliance with the approved scheme.

Reason: To protect the amenity of local residents in accordance with Policy QE SP1 of the Arun Local Plan.

- 25 Prior to occupation of any part of the premises, details of proposed grease traps/separators within the drainage serving the kitchen/s shall be submitted to and approved in writing by the Local Planning Authority. The grease trap/separator shall be of a proportionate capacity to effectively contain grease residue arising from the estimated numbers of hot meals served and the waste water flow rate. The approved drainage features shall be installed prior to the first operation of the premises and thereafter be operated and retained in compliance with the approved scheme.

Reason: To protect the amenity of local residents in accordance with Policy QE DM1 of the Arun

Local Plan.

- 26 Immediately following implementation of the approved surface water drainage system 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. The scheme shall thereafter be maintained in perpetuity.
- Reason: To ensure that the proposed development is satisfactorily drained and in accordance with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan.
- 27 If during development, any visible contaminated or odorous material, (for example, asbestos containing material, stained soil, petrol / diesel / solvent odour, underground tanks or associated pipework) not previously identified, is found to be present at the site, no further development (unless otherwise expressly agreed in writing with the Local Planning Authority) shall be carried out until it has been fully investigated using suitably qualified independent consultant(s). The Local Planning Authority must be informed immediately of the nature and degree of the contamination present and a method statement detailing how the unsuspected contamination shall be dealt with must be prepared and submitted to the Local Planning Authority for approval in writing before being implemented. If no such contaminated material is identified during the development, a statement to this effect must be submitted in writing to the Local Planning Authority.
- Reason: To ensure that the development complies with approved details in the interests of protection of the environment & prevention of harm to human health in accordance with Arun Local Plan policies QE SP1 and QE DM4.
- 28 All bathroom and toilet windows in the external elevations of the care home building hereby approved shall be glazed with obscured glass and permanently retained so thereafter.
- Reason: To protect the amenities and privacy of future occupiers and nearby residential/hotel occupiers in accordance with policies D DM1 and QE SP1 of the Arun Local Plan.
- 29 The proposed first floor end corridor windows on the twin wings of the southern elevation of the building (adjacent to rooms 41 & 33) shall at all times be glazed with obscured glass and permanently retained so thereafter.
- Reason: To protect the amenities and privacy of future occupiers and the nearby residential occupier in accordance with policies D DM1 and QE SP1 of the Arun Local Plan.
- 30 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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 31 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to:
- (1) A contribution of £12,333 to provide additional facilities at a new Tier 7 community library facility in Bersted. However, if a site does not come forward then the contributions will be spent on providing additional facilities at the nearest existing library.
- (2) A contribution of £953 to be used towards supply and installation of additional fire safety equipment/smoke alarms to vulnerable persons homes in the West Sussex Fire Rescue Services Southern Area serving Bersted.
- (3) A Travel Plan and its associated monitoring fee (£3,500 at the time of writing for monitoring and auditing of the Travel Plan).
- 32 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk). Please read the New Connections Services Charging Arrangements documents which is available to read on the following website: <https://beta.southernwater.co.uk/infrastructurecharges>.
- 33 INFORMATIVE: Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The infiltration tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method. All design storms must include a climate change allowance of 40% on stored volumes or

rainfall intensity. Infiltration structures must cater for the critical 1 in 10 year storm event, (plus 40%) between the invert of the entry pipe to the soakaway and the base of the structure. The design must also have provision to ensure there is capacity in the system to contain the critical 1 in 100 year storm event (plus 40%).

Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest groundwater table in support of the design. The applicant is advised to discuss the extent of ground water monitoring with the council's engineers.

Supplementary guidance notes regarding surface water drainage are located at <https://www.arun.gov.uk/drainage-planning-consultations> on Arun District Council's website. A surface water drainage checklist is available on Arun District Council's website, this should be submitted with a Discharge of Conditions Application.

- 34      **INFORMATIVE:** Under Section 23 of the Land Drainage Act 1991 Land Drainage Consent must be sought from the Lead Local Flood Authority (West Sussex County Council), or its agent (Arun District Council [land.drainage@arun.gov.uk](mailto:land.drainage@arun.gov.uk)), prior to starting any works (temporary or permanent) that affect the flow of water in an ordinary watercourse. Such works may include culverting, channel diversion, discharge of flows, connections, headwalls and the installation of trash screens. The development layout must take account of any existing watercourses (open or culverted) to ensure that future access for maintenance is not restricted. No development is permitted within 3m of the bank of an ordinary watercourse, or 3m of a culverted ordinary watercourse.
- 35      **INFORMATIVE:** If during construction works, it becomes apparent that implementation cannot be carried in accordance with previously agreed details any resubmission of the drainage design must be accompanied by an updated copy of the management manual.
- 36      **INFORMATIVE:** A surface water drainage verification condition guidance note is available at <https://www.arun.gov.uk/drainage-planning-consultations>, this clearly sets out our requirements for discharging this condition.
- 37      **INFORMATIVE:** 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.
- 38      **INFORMATIVE:** The applicant should note that there is a Public Right of Way running adjacent to the southern site boundary and steps must be taken to ensure this is not interfered with or blocked. If there is a need to temporarily close this path due to this proposed development then WSCC's PROW team can be approached for advice on the legal process required to be followed. The path can only be closed if there is a risk to the health and safety of lawful public path users. It is also important to note that if there is any proposal to change the adjacent hedge then any encroaching vegetation on the public footpath is the landowners responsibility to cut back so the usable width of the footpath is not restricted at any stage. The surface of the footpath cannot be disturbed as part of this proposed development without prior consent from WSCC's PROW team. If surface disturbance is required then a temporary closure will be required and the details of the works and specification for reinstatement must also be approved by the PROW team before works commence. Any drainage linked with this development that may impact the public footpath will also require approval by WSCC's PROW team prior to any works taking place.
- 39      **INFORMATIVE:** We encourage the highest practicable standards of building insulation and use of renewable forms of heating (such as ground and air source heat pumps) as opposed to natural gas boilers where possible. This action would contribute to the improvement of local air quality and reduce overall GHG emissions in the long term. If any heat pumps are to be included in the development the applicant shall be required to demonstrate that any pump/s meets the criteria detailed in the Micro Certification Scheme planning standards (MCS 020).
- 40      **INFORMATIVE:** The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, buildings, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.
- 41      **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.

## REPORT UPDATE

**Application no:** LU/30/22/PL  
**Page no:** 47  
**Location:** 32 & 33 Mariners Quay River Road Littlehampton  
**Description:** Extension of first floor rear balconies at 32 & 33 Mariners Quay (resubmission of LU/349/20/HH). This application affects the character & appearance of the Littlehampton, River Road Conservation Area and is in CIL Zone 4 (Zero Rated) as other development.

### UPDATE DETAILS

#### Reason for Update:

3 No. additional objections from local residents raising unacceptable lateness of additional details/plans. Screening no longer shown on plans. No screens would have an unacceptable impact on neighbouring amenity by way of invasion of neighbouring privacy and if to be agreed at a later date would result in loss of daylight to neighbouring residents. The full fact of this application need to be given so that the full impact of it can be known. All other points raised as per earlier objections.

#### Officers Comment:

Given the nature and timing of the plans subsequently submitted the Council was able to accept them as it was prior to committee where any additional comments could be reported as they are now.

Concerns of overshadowing and loss of privacy of adjoining properties has been noted within the officers report. Proposed Condition 3 requires that details of proposed screening to be submitted are first approved before use of the balcony by the Local Planning Authority in the interests of protecting neighbouring privacy and amenity. Concerns have been raised regarding impacts of overshadowing that may be brought about by the introduction of obscured screening. Resulting impacts such as overshadowing, overlooking, overbearing and design brought about by this screening are, prior to use of balcony, to be assessed and agreed with the Council when the details are submitted as required by Condition 3.

