

Report following a request for further information, negotiations or consultation

REF NO: AL/20/21/PL
LOCATION: Land At Wings Nursery
Lidsey Road
Woodgate
PROPOSAL: Demolition of Wings House & erection of 71 No. replacement dwellings (70 net new dwellings), access arrangements, sustainable drainage measures, public open space, landscaping & all other associated works (resubmission following AL/46/20/PL). This application is a Departure from the Development Plan.

Members resolved on 08/09/21 to delegate the final approval of this application to the Group Head of Planning with authority to make minor amendments to the s106.

At that meeting, members were advised that National Highways (formerly Highways England) had not responded to the request for them to advise on the project that their contribution would be spent on, and so this contribution was removed from the s106. Members should note that National Highways were asked to confirm the project details on four separate occasions (on 07/07/21, 16/07/21, 06/08/21 and 01/09/21) without success.

Subsequently on the 24th December 2021, National Highways (NH) wrote to Arun DC to apologise for not previously responding, but to advise that as the contribution was not now being sought, their previous comments must be treated as an objection and the decision to approve without the contribution must therefore be referred to the Secretary of State before being issued.

NH also state that the "Arun Local Plan A27 mitigation project" is the identified scheme. This contribution is required because of the changes or improvements to the Arun Local Plan A27 mitigation scheme that would be required in order to accommodate the additional cumulative traffic impacts of development that is additional to the Local Plan development.

Officers accept this position and have discussed this with the applicant who has agreed to put the National Highways contribution back into the s106. However, this cannot be done under delegated powers and so requires the further approval of the planning committee. Members are therefore requested to agree the inclusion within the s106 of a contribution of £36,090.60 to be spent on the "Arun Local Plan A27 mitigation project".

The s106 is nearing completion and the applicant has requested that we proceed to include the National Highways contribution within the document and progress the s106 towards completion. Therefore, it may be complete by the time of February Committee (members will be advised by an update if this is so).

Separately, members are also requested to agree a variation to condition 5 of the previous recommendation. This condition states:

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.

The applicant has requested that it be amended to allow working when bats are not active and so by adding "between March and October (when bats are generally active)" after "sunrise" and before "even" to read as follows:

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 between March and October (when bats are generally active) even if those times fall within the above time periods.

As the condition was specifically set out in full within the previously agreed Appropriate Assessment, it is not appropriate to simply change it in the recommendation. Therefore, Natural England have been requested to agree the change and have been given until the 31st of January to respond. Members will be updated at the meeting as to whether Natural England have responded and what their advice is.

It is therefore requested that members resolve to (a) agree the inclusion of the National Highways contribution within the s106 and (b) to agree the change to the wording of condition 5.