

PLANNING APPLICATION REPORT

REF NO: BN/66/19/PL

LOCATION: Land off Canal Mews  
Barnham  
PO22 0DP

PROPOSAL: Erection of 2 No dwellings.

<b>SITE AND SURROUNDINGS</b>
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DESCRIPTION OF APPLICATION	2 detached bungalows with parking spaces.
SITE AREA	0.11 hectares.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	18.18 dwellings/hectare
TOPOGRAPHY	Predominantly flat.
TREES	Semi-mature oak (TPO) of a high grow potential.
BOUNDARY TREATMENT	The north-western boundary is 1.8m high close boarded fence with a footpath beyond and the north-eastern boundary is marked with a mature hedge. Canal Mews forms the south-eastern boundary.
SITE CHARACTERISTICS	The site is square and grassed. The dominant feature is a semi-matured oak (TPO) in the southern corner. The site had been intended as a location of a private sewage treatment plant. This was never constructed as it was feasible to connect the houses to the existing foul water sewerage system.
CHARACTER OF LOCALITY	The site is a part of 'Good Acres'. To the south is a mix of single and two storey dwellings, to the east a large public green space and to the west bungalows along Nightingale Lane.

<b>RELEVANT SITE HISTORY</b>
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BN/56/16/DOC	Application for approval of details reserved by condition imposed under planning application BN/13/14 relating to condition No.1 (Statement of architectural detail)	DOC Approved 07-11-16
BN/37/15/DOC	Application for approval of details reserved by conditions 5,6,12,16,& 17 imposed on planning permission of BN/15/11 relating to storm water, ditch works, bat mitigation, off site highway works & road safety	DOC Approved 21-10-15

BN/7/15/PL	Application for variation of condition No.2 imposed under planning reference no. BN/13/14 relating to approved plans	ApproveConditionally 10-06-15
BN/25/14/DOC	Application for the approval of details reserved by condition 4, 5, 6, 7, 8, 13, 14, 15, 16, 17, 18 & 19 of previously approved Appeal APP/C3810/A/11/2161133 (planning application BN/15/11)	DOC Part Approved 22-08-14
BN/18/14/DOC	Application for approval of details reserved by condition 11 (reptile mitigation plan) following a grant of planning permission BN/15/11/	DOC Part Approved 06-05-14
BN/13/14/	Approval of Reserved Matters following Outline Approval BN/15/11 for Appearance, Landscaping, Layout and Scale for 75 dwellings. Departure from the Development Plan and Affects a Public Right of Way.	ApproveConditionally 02-07-14
BN/15/11/	Outline application for residential development comprising 75 dwellings, access and associated landscaping and works - This is a Departure from the Development Plan & affects a Public Right of Way	NON DET APPEAL 20-09-11  <b>Appeal: Allowed+Conditions 09-07-12</b>

'Good Acres' was granted outline planning permission at appeal (BN/15/11). Surface and foul drainage formed a substantial part of the previous objection. Under reference BN/13/14 Reserved Matters were approved.

Issues in respect of foul and surface water drainage were address by the Inspector at appeal. An on-site private system of foul sewage disposal was proposed. The Inspector concluded there would be compliance with the Water Framework Directive and the peak flow of the plant, combined with surface water drainage flows, would be less than the existing greenfield runoff rate. In allowing the development with a private treatment plant the Inspector considered it a pragmatic approach. The Environment Agency stance on the private treatment plant was they are not sustainable in the long term. The agreement from Southern Water to a direct connection to the public sewer has been obtained and the treatment plant has not been built.

## REPRESENTATIONS

### REPRESENTATIONS RECEIVED:

Barnham & Eastergate Parish Council  
Barnham & Eastergate Parish Council  
Objection.

- Loss of green space
- Lack of parking
- Impact on emergency access route to Halliford Drive.
- Concern over foul and surface water drainage.

26 Letters of objection:

- Development is on private property the maintenance of which is paid for by owners of existing properties.
- Insufficient parking on the site and the roads are very narrow.
- The green space is essential part of the community
- Existing residents pay for the upkeep of the footpaths and green spaces.
- Owners were informed that the site was crucial for the drainage of surface water.
- Regarding surface water drainage, the area has been highlighted as a risk area for flooding.
- Residents have already experienced blockages in Nightingale Lane in the past.
- Disruption over a lengthy time period.
- Site is bounded by private roads under Estate control. Residents believe no legal access to the site.
- Development does not cater for visitor parking.
- Land has been used as green amenity land for the last 3 years.
- Roads serving 'Arun Place' are suffering damage from a previous development.
- Additional usage of the 'Arun Place' development will only exacerbate a situation where the risk of injury is already unacceptably high.
- No consideration has been made and no impact assessment been done for the lorries, heavy plant machinery, and site workers vehicles that would be using this access road. Residents safety would be put at risk as there have already been several near misses at this point in the access road.
- Land is well used as a recreation area and presumably the original permission was granted on condition that this would not be developed.
- Pity to lose an open space - far too many developments in Barnham impacting on traffic and sewers.
- Noise, disruption, pollution, strain on utility supplies and residents loose of the grassed area -green space they enjoy and all for sake of 3 dwellings.
- No legal vehicle access; Land Transfer from Croudace to Seaward in Question (sold for £1) - questionable legality.
- Damage to infrastructure e.g. road as well as vibration damage to the dwellings from building works.
- Estate is private property and the common grounds are the legal property of Arun Place Management Company Limited, a company owned by residents (being Members of the Company) of the estate.
- Building on the green space will push more water onto the hard surfaces.
- Needs to be visitors parking in the plot as the Estate does not have enough allocated visitors parking.
- Existing surface water collection tanks situated under the development area.
- Entering and crossing private land to undertake building works.

**COMMENTS ON REPRESENTATIONS RECEIVED:**

With regard to the Parish Council comment there is no objection from ADC Engineers or Southern water on drainage. The ownership of the roads is a legal issue. Other issues are addressed above and below.

<b>CONSULTATIONS</b>
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Engineering Services Manager  
Engineers (Drainage)  
Southern Water Planning  
Natural England

Parks and Landscapes  
Arboriculturist  
WSCC Strategic Planning  
Environmental Health  
Ecology Advisor  
Engineers (Drainage)  
Arboriculturist

**CONSULTATION RESPONSES RECEIVED:**

ADC ENGINEERS - No objections subject to conditions and informatives.

ADC ARBORICULTURE OFFICER - No objection following revised plans (Further comments 18/2/20)

ADC GREENSPACE - Greenspace is valuable and loss of open space will reduce amenity provision in the development and impact on existing trees retained and planted as part of the original application. I would therefore not recommend this application for approval due to the loss of greenspace. Should the application be approved however a landscape plan would need to be provided detailing existing trees to be retained and removed and proposed landscape planting, showing densities and size when planted. I would expect to see existing trees protected and new native trees and shrub species included on the site to enhance biodiversity and the visual impact of the development.

SOUTHERN WATER - No objection subject to informative.

ADC ENVIRONMENTAL HEALTH - No objection subject to a condition regarding electric vehicle charging points.

ECOLOGY - No objection subject to informatives.

WSCC HIGHWAYS - No objection subject to conditions.

**COMMENTS ON CONSULTATION RESPONSES:**

Comments noted - conditions/informatives will be added. With regard to the loss of open space; the Ecological Mitigation and Enhancement scheme (approved under reference BN/13/14) shows the proposal site as a Site for treatment plant and this site was not a part of the proposed Public Open Space of 0.43 hectares of land which exceeds the requirement for the number of dwellings proposed.

**POLICY CONTEXT**

Designation applicable to site:

Built-up Area Boundary  
Lidsey Treatment Catchment

**DEVELOPMENT PLAN POLICIES**

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

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design

ECCDM1	ECC DM1 Renewable Energy
ECCSP1	ECC SP1 Adapting to Climate Change
ENVDM4	ENV DM4 Protection of trees
HDM1	H DM1 Housing mix
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management

<a href="#">Barnham &amp; Eastergate Neighbourhood Plan 2014 POLICY ES10</a>	Trees and hedgerows
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES11	Energy efficiency of new development
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES13	Renewable energy schemes
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES5	Quality of design
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES6	Contribution to local character
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES8	Buildings should be designed to reflect the three-dimensional qualities of traditional buildings
Barnham & Eastergate Neighbourhood Plan 2014 POLICY GA4	Parking and new development
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H2	Windfall sites
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H5	Outdoor space
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H6	Attention to detail
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H7	Drainage for new housing

#### PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

#### SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
SPD12	Open Space, Playing Pitches & Indoor & Built Sports Facilities

## **POLICY COMMENTARY**

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

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

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area.

Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

The policies ES5, ES6, ES8, ES10, ES11, ES13, GA4, H2, H4, H5, H6 and H7 of the Barnham & Eastergate Neighbourhood Plan 2014 are considered to be relevant to determination of this application.

## **DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

## **OTHER MATERIAL CONSIDERATIONS**

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

## **CONCLUSIONS**

### **PRINCIPLE**

The development in the built up area boundary in a sustainable location where the principle of development is acceptable subject to accordance with development plan policies. Key policies are SD SP2, D SP1, DDM1, D DM2, QE SP1, TSP1, ECC SP2, W DM1 and WM DM1 of the Arun Local Plan.

D SP1 requires development to make efficient use of land reflecting the characteristics of the site and local area and policy D DM1 states that a high standard of architectural principles should be demonstrate and new development should have a minimal impact to users and occupiers of nearby properties and land. D DM2 expects internal spaces to meet the requirements of Nationally Described Space Standard. QE SP1 requires that all development contributes positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity. Policy

ECC SP2 expects all development to be energy efficient.

Barnham & Eastergate has a 'made' Neighbourhood Plan with Policies ES5, ES6, ES8, ES10, ES11, ES13, GA4, H2, H4, H5, H6 and H7 of the Barnham & Eastergate Neighbouring Plan are relevant to the determination of the application. H2 states permission will be granted for small residential developments on infill and redevelopment sites in the parishes subject to the policies of this plan being met and policy ES10 stresses that development must be designed to retain ancient trees or trees or hedgerows of good arboricultural and amenity value. Proposals should be accompanied by a survey that establishes the health and longevity of any affected trees or hedgerows and a management plan to demonstrate how they will be so maintained.

#### DESIGN AND VISUAL AMENITY

Arun Design Guide Supplementary Planning Document (SPD), a material consideration in the determination of applications, was published under consultation until 21 February 2020. Part P.O1 deals with infill development and requires development to respond positively to the character, appearance and layout of surrounding buildings to provide high quality development which enhances amenity for surrounding and new residents. The development is situated on the plot originally intended for the private treatment plant therefore the above requirement would apply for the development.

Plans show two detached properties of a similar height and footprint of those along Nightingale Lane. The proposal does not adversely affect the street scene since the features such as the shape of the roofs and the entrances of existing dwellings are replicated in the design. The proposal complies with policies D DM1 and D SP1 of the Local Plan and with the relevant requirements of Arun Design Guide .

#### RESIDENTIAL AMENITY

The dwellings due to their position and design have a minimal impact on occupiers of nearby properties resulting no unacceptably adverse harm on neighbouring amenity by way of overshadowing, overbearing or overlooking and as such accords with D DM1 and QE SP1 of the Arun Local Plan.

#### HIGHWAY ISSUES:

Local Plan policy T SP1 seeks to ensure development: provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network. Policy T DM1 requires that new development be located within easy access of established non-car transport modes/routes.

The Local Highway Authority do not consider that the proposal has an unacceptable impact on highway safety or result in 'severe' cumulative impact on the operation of the highway network, therefore it is not contrary to the NPPF para 109, and there are no transport grounds to resist the proposal subject to condition. As such the development would comply with policy TP1 and policy GA4 of the Barnham & Eastergate Neighbouring Plan.

Arun District Council's Parking Standards Supplementary Planning Document (January 2020) outlines the approach to parking at new developments. 4 parking spaces are shown on the site layout with an extra space for visitors which satisfies the requirement of the above document for two 3 bed dwellings situated in Parking Behaviour Zone 2.

#### SURFACE WATER DRAINAGE

Policy W DM1, part 3 affirms that although minor developments are unlikely to raise significant flood risk due to the cumulative impact all development within this area must also be accompanied by a Drainage Impact Assessment that must take into account of both the individual and cumulative impact upon foul

water disposal; floor storage capacity and surface water drainage or flood flows within the Lidsey Wastewater treatment Works Catchment Area. The site is in the Lidsey catchment and in an area of known high groundwater. Engineers haven't raised an objection, subject to a conditions.

#### **COMPLIANCE WITH SPACE STANDARDS**

Policy D DM2 states: "The planning authority will require internal spaces to be of an appropriate size to meet the requirements of all occupants and their changing needs. Nationally Described Space Standards will provide guidance". It is necessary to assess the proposal against internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) to determine if the building is suitable for residential use. The proposal relates to gross internal floor spaces of approx. 98 sqm for the 3 bed units, which exceeds the minimum gross internal floor areas requirement for a single storey dwelling (86 sqm for 3 bed, 5 persons).

Policy D DM1 refers to the need for compliance with the Arun Design Guide. This replaces policy D DM3 "External Space Standards" which was deleted at the request of the Local Plan Inspector. The Arun Design Guide stresses the design of new homes should provide clear delineation of public and private spaces; incorporating a 'public front' and private 'back' to the rear of the site, providing private gardens. Regard should be had to para 127 of the NPPF which requires development has a high standard of amenity for existing and future users. The dwellings provide amenity space for occupiers providing rear gardens of approximately 95 sqm (plot 1) and 130sqm (plot 2). Given the location of the development with an existing public open space to the east from the site it is considered acceptable.

The proposal complies with policies D DM1 & D DM2 and with the guidance in the NPPF (para. 127).

The proposal complies with above Arun Local Plan policies, Barnham & Eastergate Neighbourhood Plan Policies ES5, ES6, ES8,H2,H4,H5, H6 and H7 relevant to the determination of the application, and the guidance on amenity within the NPPF.

#### **PROTECTION OF TREES**

Policy ENV DM4 of the Local Plan emphasises that development will be permitted where it can be demonstrated that trees protected by the Tree Preservation Order (TPO) identified as Ancient Woodland, in a Conservation Area or contributing to local amenity will not be damaged or destroyed now and as they reach maturity. Amended plans for two bungalows show an improved layout with two bungalows followed by a new Arboricultural Impact Assessment & Method Statement along with a Tree Retention Protection Plan for this project which satisfy the requirements of Council's Arboriculturist. The development as amended complies with policy ENV DM4 of the Arun Local Plan, policy ES10 of the Barnham & Eastergate Neighbouring Plan and relevant NPPF's paragraphs.

#### **SUMMARY**

The proposed development is deemed to accord with the relevant development policies and as such is recommended for approval subject to the following conditions and informatives.

Given the additional time for public comment on the 2 dwelling scheme it is recommended the decision be deferred to the Chairman of Committee and the Group Head of Planning to make after the end of the consultation process (19 March 2020).

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



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

#### **DUTY UNDER THE EQUALITIES ACT 2010**

Duty under the Equalities Act 2010

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

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

#### **RECOMMENDATION**

APPROVE CONDITIONALLY

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

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

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

Dwg 1705 - 12H, Site Layout

Dwg 1705 - 13B, Plot 1; Floor Plan & Elevations

Dwg 1705 - 14, Plot 2; Floor Plan & Elevations

Dwg 1705 - 10C, Construction Management Plan

Ref 1705 -11A, Preliminary Construction Management Plan dated 05-01-20

LLD 1345 -ARB - DWG - 002 Rev 02, Tree Retention and Protection Plan

LLD1345 - ARB - REF - 001, Arboricultural Impact Assessment & Method Statement

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

- 3 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 buildings have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building/extension.

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

- 4 No development above damp proof course (DPC) level shall take place until details of screen

walls and fences have been submitted to and approved by the Local Planning Authority and no dwelling shall be occupied until such screen walls and fences associated with them have been erected.

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

- 5 No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

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

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

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

- 7 No development shall be commenced until such time as plans and details have been submitted to and approved in writing by the Local Planning Authority showing the site set up during construction. This shall include details for all temporary contractors buildings, plant and stacks of materials, provision for the temporary parking of contractors vehicles and the loading and unloading of vehicles associated with the implementation of this development. Such provision once approved and implemented shall be retained throughout the period of construction.

Reason: To avoid undue congestion of the site and consequent obstruction to access in accordance with policy T SP1 of the Arun Local Plan.

- 8 Prior to the occupation of the dwellings, a scheme for the provision of facilities to enable the charging of electric vehicles to serve the approved dwellings 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 permanently retained and maintained in good working condition.

Reason: New petrol, diesel and hybrid cars/vans will not be sold beyond 2035, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with policy QE DM3 (c) of the Arun Local Plan, the Arun Parking Standards SPD and the National Planning Policy Framework.

- 9 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 / No part of the extended 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.

- 10 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. No construction is permitted, which will restrict current and future land owners 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.

- 11 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 will be inspected to verify it is 'Fit for Purpose' as required under British Standard 5837:2012 and have been erected and positioned exactly as shown on the Tree Protection Plan, TPP.LR.517.V1, 11th November 2019.

Reason: To comply with BS5837 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 and with policy ENV DM4 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to verify the fitness of protective fencing and ground protection measures prior to commencement of the proposed works.

- 12 When constructing the tree protection fencing, Heras panels must be double-clamped and sat in immovable block trays that are either staked or stabilized using an approved method such as described and illustrated in Figure 3, BS5837:2012, Examples of above-ground stabilizing systems.

Reason: To comply with BS5837 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 and with policy ENV DM4 of the Arun Local Plan.

- 13 Any tree pruning considered essential to enable the agreed development must meet the requirements of BS3998:2010 Tree work:  
-Where whole branches are to be removed and final cuts made close to the trunk or branch union they are to be made as shown in Figure 2 of BS3998:2010  
-Where branches are to be shortened back the final cuts are to be made at the correct angle shown in BS3998:2010 and adjacent to a live bud or lateral.

Reasons: In the interest of continued health and vitality of trees and to accord with current industry guidelines and sound arboricultural practice and policy ENV DM4 of the Arun Local Plan.

- 14 Construction/demolition activities shall take place, other than between 08:00 to 18:00 hours (Monday to Friday) and 08:00 to 13:00 hours (Saturday) with no works taking place on Sunday or Bank Holidays unless they are not audible outside of the application site.

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

- 15 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, 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 begins. The development shall be implemented in accordance with the approved details and timetable and retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to secure on site renewable energy in accordance with national planning policy, and in accordance with Policy ECC SP2 of the Arun Local Plan.

- 16 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting this Order) no extensions (including porches or dormer windows) to the dwelling houses shall be constructed or buildings shall be erected within the curtilage unless permission is granted by the Local Planning Authority on an application in that behalf.

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

- 17 **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 percolation tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 40% on stored volumes, as an allowance for climate change. 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 winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers.

Supplementary guidance notes regarding surface water drainage are located here <https://www.arun.gov.uk/surfacewater> on Arun District Councils website. A surface water drainage checklist is available here <https://www.arun.gov.uk/drainagechecklist> on Arun District Councils website, this should be submitted with a Discharge of Conditions Application.

- 18 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 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.

- 19 No development including site access, demolition or associated construction activities shall commence unless and until all the existing trees/bushes/hedges to be retained on the site have been protected in accordance with a scheme submitted to the Local Planning Authority. Within the areas so fenced off the existing ground must not be cultivated, nor must it be lowered or raised or added to by the importation and spreading of top soil unless agreed by the Local Planning authority. There must be no materials, temporary buildings, plant machinery or surplus soil shall be placed or stored thereon without prior written approval of the Local Planning Authority.

No trenching should occur within the protective fencing surrounding the Root Protection Area. If roots requiring severance to allow for the passage of services is necessary then an arboriculturist would be required to assess and determine whether the loss of the roots would be detrimental to the continued health and stability of the affected tree.

Reason: To ensure the retention and maintenance of trees and vegetation which is an important feature of the area in accordance with policy ENV DM4 of the Arun Local Plan.

- 20 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.

- 21 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), 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.

- 22 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.

- 23 INFORMATIVE: This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc ) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat

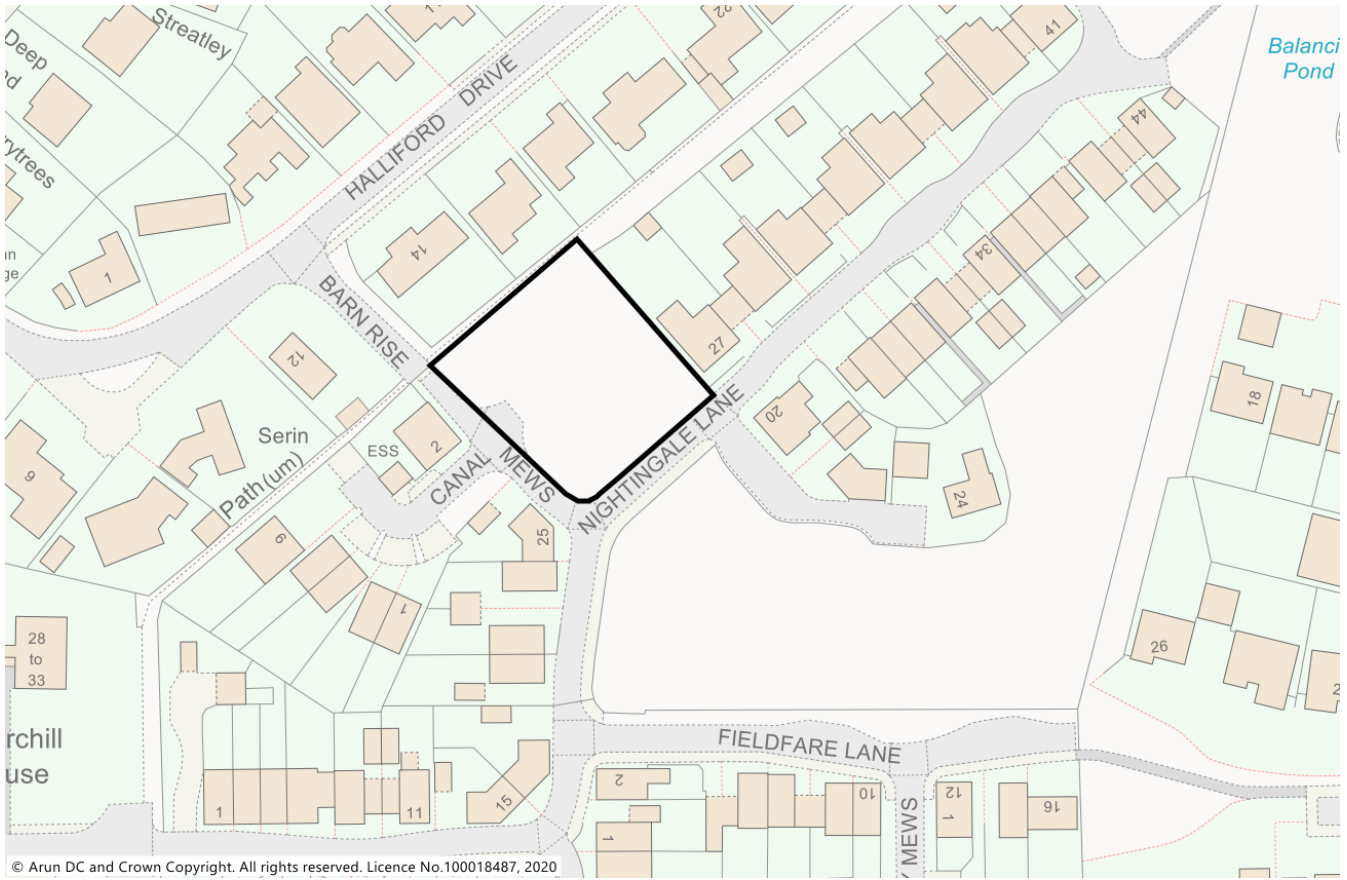
Conservation Trust on 0845 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.

- 24 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 our New Connections Services Charging Arrangements documents which is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructurecharges>.
- 25 **INFORMATIVE:** The applicant is advised to contact the proprietors of Canal Mews and Nightingale Lane to obtain necessary formal approval to carry out the site access works.

<b>BACKGROUND PAPERS</b>
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[The documents relating to this application can be viewed on the Arun District Council website by going to https://www.arun.gov.uk/weekly-lists and entering the application reference or directly by clicking on this link.](https://www.arun.gov.uk/weekly-lists)

**BN/66/19/PL - Indicative Location Plan (Do not Scale or Copy)**  
**(All plans face north unless otherwise indicated with a north point)**



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