



Town & Country Planning Act 1990 (as amended)
Town and Country Planning (Development Management
Procedure) (England) Order 2015
Application for Planning Permission
DECISION NOTICE

Application Ref: BE/40/18/PL

1 To Addressee

Lichfields
 14 Regent's Wharf
 All Saints Street
 London
 N1 9RL

2 Site Address

Land West of
 New Barn Lane

3 Description of Development

New access from New Barn Lane to Land West of New Barn Lane & relocation of 5 No. existing parking spaces.

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

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

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

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

- Location Plan - A13395-T-005 Rev C
- Proposed Access to New Barn Lane - A13395-T-001

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

- 3 Development shall not commence until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the local planning authority, and which shall include;
- The design should following 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 Manuel Produced by CIRIA. Winter groundwater monitoring to established highest annual ground water levels and percolation testing to BRE 365, or similar approved, will be required to support the design of any infiltration drainage.
 - The development shall not proceed until formal consent has been approved in writing from the Lead Local Flood Authority (WSCC) or its agent (ADC) for the discharge of any flows to watercourses, or the culverting, diversion, infilling or obstruction of any watercourses on the site. Any discharge of watercourse must be at a rate no greater than the pre-development run off values.
 - Arrangements for future access and maintenance of any watercourse or culvert (piped watercourse) crossing or abutting the site.

No building approved under reference BE/77/16/OUT shall be occupied until the complete surface water drainage system serving the access 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 GEN7, GEN9 and GEN11 of the Arun District Local Plan and the National Planning Policy Framework. It is considered necessary for this to be a pre-commencement condition to ensure that the surface water disposal scheme is agreed before construction commences and to protect existing watercourses prior to development commencing.

- 4 With the exception of enabling works the development approved under reference BE/77/16/OUT shall not be commenced until such time as vehicular access to the site has been provided in accordance with the details specified on drawing no. 'A13395-T-001'.

Reason: In the interests of amenity and to avoid unacceptable harm to highway safety in accordance with policy GEN7 of the Arun District Local Plan. It is considered necessary for this to be a pre-commencement condition to ensure site access is provided during construction.

- 5 The use of the new access shall not commence until visibility splays of 2.4 metres by 43 metres have been provided at the proposed vehicular site access onto New Barn Lane 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 metres above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of amenity and to avoid unacceptable harm to highway safety in accordance with policy GEN7 of the Arun District Local Plan and the National Planning Policy Framework.

- 6 Prior to the occupation of any dwelling approved under reference BE/77/16/OUT a street lighting scheme shall be submitted and approved in writing by the Local Planning Authority. This scheme must comply with the Institute of Lighting Engineers Guidance Notes for the reduction of obtrusive light.

Reason: To enable the LPA to control the development in detail in the interests of residential amenity and in accordance with GEN7 of the Arun District Local Plan and also to ensure there is no impact on bats within the vicinity of the site.

- 7 Development shall not commence until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. Thereafter, the approved plan shall be implemented and adhered to throughout the entire construction period. The plan shall provide details as appropriate but not necessarily restricted to the following matters;

- The anticipated number, frequency and types of vehicles used during construction;
- The method of access and routing of vehicles during construction;
- The parking of vehicles by site operatives and visitors, the load and unloading of plant, materials and waste;
- The erection or maintenance of security hoarding;
- The provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders);
- Details of public engagement both prior to and during construction works;
- No operation or construction vehicles shall be operates on the site except between the hours of;
 - 0700 and 1900 on Monday to Fridays inclusive
 - 0700 and 1300 on Saturdays
 - Not at any time on Sundays or Public Holidays
- Details of a precautionary approach for site clearance concerning reptiles. Site clearance should be conducted during the season reptiles are active and the vegetation should be cut down to 10cm prior to any works taking place and then carefully cleared. Any dead wood or rubble piles should be dismantled by hand and relocated.

Reason: In the interest of residential amenity and highway safety in accordance with policy GEN7 of the Arun District Local Plan and the NPPF. It is considered that this condition must be pre-commencement to ensure that these details are agreed prior to development commencing on site to minimise the impacts upon residential amenity of nearby residential properties and highway safety.

- 8 Prior to the commencement of development, a Tree Protection Plan (TPP) shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. The TPP shall include details of the specification and location of tree and hedgerow protection by a fence in accordance with BS5837 (2012).

Reason: To ensure the protection of retained trees and vegetation which is an important feature of the area in accordance with policy GEN7 of the Arun District Local Plan.

- 9 Prior to any construction works taking place or the introduction of any machinery and plant to the site, the following issue must be resolved to our satisfaction:-

- A pre-commencement site meeting is to take place between the Arun DC Tree Officer and the Arboricultural Expert representing the site owners - at this meeting protective fencing will be inspected - this will be assessed to verify it is 'Fit for Purpose' as required under British Standard 5837 (2012) and has been erected and positioned exactly as shown on the Tree Protection Plan (as required by condition 8).

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 are not compromised so they can continue to enhance the landscape and amenity of the area.

- 10 Tree pruning work must be carried out by an experienced and competent Arborist. 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.

Reason: In the interests of the trees continued health and vitality and to accord with current industry guidelines and sound arboricultural practice to ensure the retention of the trees which make an important contribution to the locality in accordance with policy GEN7 of the Arun District Local Plan.

INFORMATIVE: The applicant is advised to enter into a legal agreement with West Sussex County Council 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.

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.

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.

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.



Neil Crowther
Group Head of Planning

Case Officer: Mr D Easton

Date of Decision:

13 July 2018

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

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

APPEALS TO THE SECRETARY OF STATE

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

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

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and you want to appeal against this planning application decision, then you must do so within 28 days of the date of service of the enforcement notice, or within 12 weeks of the date of this notice, whichever period expires earlier.

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

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

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

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

PURCHASE NOTICES

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

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

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