Town & Country Planning Act 1990 (as amended)
Town and Country Planning (Development Management Procedure) (England) Order 2015

Application Under Section 73 for the Removal or Variation of Conditions Under a Previously Approved Permission

DECISION NOTICE

Application Ref: BN/78/23/S73

1 **To Addressee**

Mrs Sherryl Plumb
Saxons
33 Hill Lane
Barnham
Bognor Regis
PO22 0BL

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2 **Site Address**

Horseshoe Cottage
33A Hill Lane
Barnham
Bognor Regis
PO22 0BL

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3 **Description of Development**

Application under Section 73 of the Town and Country Planning Act 1990 for the variation of condition 12 - buildings, structures and fences to be kept at least 3m from edge of watercourse - following grant of BN/56/20/PL.

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4 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 approved shall be carried out in accordance with the following approved plans:

- Location Plan
- Culvert & Fence Constructional Details Dwg No MGS-BN/56/20-rev01
- Culvert & Fence Layout Details Dwg No MGS-BN/56/20-rev01
- Bin and bike storage details (as submitted under BN/28/23/PL)
- Existing and Proposed Plans and Elevations (drawing number: 15058/100), received 02/06/2020 in connection with permission BN/56/20/PL.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies D SP1, D DM1, D DM2, LAN DM1, QE SP1, T SP1, T DM1, ENV DM4 and ENV DM5 of the Arun Local Plan and policies ES4, ES4, GA4, and ES10 of the Barnham &

Eastergate Neighbourhood Plan.

2 No part of the development shall be first occupied until 2 car parking spaces have been provided on site in accordance with the approved plans. These spaces shall thereafter be retained at all times for their designated use.

Reason: To provide car-parking space for the occupiers of the dwelling, in accordance with policy T SP1 of the Arun Local Plan and policy GA4 of the Barnham & Eastergate Neighbourhood Plan.

3 No part of the development shall be first occupied until a minimum of 2 covered and secure cycle parking spaces have been provided on site in accordance with the approved plans. The cycle spaces shall thereafter be permanently retained in good working condition.

Reason: To provide alternative travel options to the use of the car, in accordance with policies T SP1 and T DM1 of the Arun Local Plan.

4 No part of the development shall first be occupied, until the provision of facilities to enable the charging of electric vehicles has been installed for all car parking spaces. 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 NPPF.

5 No buildings, structures or fences - excluding the existing fence shown in drawing MGS - BN/56/20 - rev001 "Culvert & Fence Layout Details" - are to be located within 3m of the edge of the watercourse culvert that crosses the site. Any replacement or repair of the existing fence must be on the same footprint and capable of both partial and full dismantling to enable access to the culvert. No tree planting is to take place that would have a detrimental effect on the culvert on the site.

Reason: To ensure that the proposed development is satisfactorily drained and does not increase flood risk elsewhere, in accordance with policies W DM1, W DM2 and W DM3 of the Arun Local Plan and policy ES1 of the Barnham & Eastergate Neighbourhood Plan

6 No external lighting shall be installed until details have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed and maintained thereafter in accordance with the approved scheme.

Reason: To protect the character of the countryside and its dark skies and for the protection of local wildlife including bats, in accordance with policies D DM1, LAN DM1, QE DM2 and ENV DM5 of the Arun Local Plan.

7 Any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season which takes place between 1st March - 1st October. If works are required within this time an ecologist will need to check the site before any works take place (within 24 hours of any work).

Reason: To protect local wildlife, in accordance with the relevant legislation and policy ENV DM5 of the Arun Local Plan.

8 Prior to first occupation, the biodiversity enhancement measures recommended within the Preliminary Ecological Appraisal (dated July 2020) provided with application BN/56/20/PL must be undertaken.

Reason: To enhance the environment for local wildlife and result in net biodiversity gain, in accordance with the relevant legislation and policy ENV DM5 of the Arun Local Plan.

9 Unless varied by this application, or any other s73 application, this permission shall be implemented in accordance with any condition where a DOC (discharge of condition) application has already been approved in relation to BN/56/20/PL. These permissions are BN/15/23/DOC, BN14/23/DOC BN/72/22/DOC and BN/121/22/DOC.

Reason: To ensure compliance with the original environmental concerns of BN/56/20/PL in accordance with the policies of the Arun Local Plan.

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, as per https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances, 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. All surface water drainage designs must also have provision to ensure there is capacity in the system to contain the critical 1 in 100 year storm event (plus 45%).

Freeboard is to be provided between the base of the infiltration structure and the highest recorded groundwater level identified in that location. Ideally this should be 1 metre where possible, as stated in the CIRIA Suds Manual guidance. However, on the coastal plain in particular, where geology dictates and where shallow perched/tidally influenced water tables are often present, this is unlikely to be achievable irrespective of this, infiltration must still be fully considered. Therefore, to maximise this potential and avoid utilising other less favourable methods of surface water disposal, the bases of infiltration structures are permitted to be immediately above the peak recorded groundwater levels where it is deemed necessary.

In areas where an aquifer is to be protected (subject to guidance from the Environment Agency) then a minimum 1 metre freeboard must be provided. Suitable water treatment is required upstream to the point of discharge in all circumstances to minimise any groundwater pollution risk or detriment to the drainage network. 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 extend 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. Reference should also be made to the 'West Sussex LLFA Policy for the Management of Surface Water'.

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.

INFORMATIVE: The applicant is reminded that should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

INFORMATIVE: Due to surface water inundation issues in the Lidsey Catchment the applicant is advised to adopt, where appropriate, the measures in the table "Practical measures to reduce the potential impacts of development". Developer should look to protect the public sewerage system from inundation and infiltration,

which contribute to flooding in unfavourable conditions.

A formal application for connection to the public sewerage system is required in order to service this development. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link: southernwater.co.uk/developing-building/connection-charging-arrangements. For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119). Website: southernwater.co.uk or by email at: developerservices@southernwater.co.uk

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: Hannah Kersley

Decision Issued: 16th August 2023

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 s73

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 6 months 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.

If you intend to submit an appeal that you would like examined by inquiry then you must send notice to the Local Planning Authority and Planning Inspectorate(inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details can be found at www.GOV.uk

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 public highway (including the placing of skips on highway land).