

REPORT UPDATE

Application No: EG/57/16/PL

Reason for the Update / Changes

Reason for Update/Changes:

A provisional Tree Preservation Order has been served with respect to the Oak Tree on the other side of the eastern boundary. This may be confirmed after the 8th June.

A letter from the applicant dated 23 May 2017 has been received in which they object to proposed condition 19 (hours of opening). They do not consider that the condition meets the tests within the National Planning Policy Framework in that it is not necessary. Their arguments are as follows:

- (1) There are no restrictions on the hours of operation of the existing Croft Surgery. We are not aware that the operation of it has affected the amenity of adjacent properties. It is currently necessary, on occasions, for the practice to see patients outside the hours set out in the proposed condition.
- (2) Question 20 of the planning application forms asks details of the intended hours of operation, not the maximum hours that the applicant considers that the proposed development could operate without prejudicing the amenity of neighbours.
- (3) At no stage was a noise assessment required to assess the effect of the proposed development on the amenity of residents.
- (4) No representations have been made by the public, or from the Council's Environmental Health Officer, regarding noise from the proposed use.
- (5) The Government is strongly promoting a 7 day a week NHS which means that the hours of operation of surgery's and other facilities will, in the future need to widen. Therefore there is a need to build in from the outset of this surgery more flexible operating hours. Restricting openings on Saturday afternoons, Sundays and Bank Holidays is of particular concern.

They ask that the condition either be deleted or amended to say: "The development hereby approved shall not normally be used for patients other than between the hours of 7am and 11pm"

Officers Comment:

The condition in question was previously imposed on the two previous outline planning permissions without any complaint. The condition also follows those hours specified in the application form. It is not considered therefore that the condition as worded is unreasonable or unnecessary. Environmental Health Officers were not consulted on this application, in part, due to the limited opening hours shown in the application form. If potentially longer opening hours are to be considered then a formal consultation would be required.

There are no changes to the recommendation, conditions or informatives.

Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report.

Recommendation Report for Planning Permission

REF NO: EG/57/16/PL

LOCATION: Land adjacent to the Croft Practice
Barnham Road
Eastergate
PO20 3RP

PROPOSAL: Medical centre with pharmacy retail unit & other ancillary uses together with access onto Barnham Road & associated car parking. This application is a Departure from the Development Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The proposed new medical centre building would be predominantly two storeys in height but with a single storey element on the northern end. It would be a maximum of 9.3m high to the ridge (6.5m to the eaves). The floor plans include a pharmacy (A1 retail use) on the ground floor at the southern end. Other facilities include 15 consulting rooms, 2 treatment rooms, 4 office rooms, 1 meeting room, 1 multi purpose room, 2 admin rooms, 1 staff room, 1 IT server room, 1 data entry room, 1 plant room, 1 interview room, 1 records room, 2 storage rooms, 1 cleaner room, a foyer, a waiting area with reception, staff changing rooms/shower room and 6 toilets. The building will have floor space of 1,429 square metres of which 160 square metres will be allocated to the pharmacy.

Access will be via an existing informal access into the staff car park from Barnham Road. The proposal includes a 56 space car park, including 11 disabled bays, 43 standard bays & 2 motorcycle bays. Fourteen cycle spaces will be provided, contained within two separate covered cycle stores. An uncovered bin store will be provided in the north western corner of the site.

Landscaping details submitted with the application indicate ecological enhancements to the site comprising of:

- * A substantial area of new meadow grassland to be created and managed by annual late summer cutting with arisings removed;
- * Native hedgerow planting to be provided along eastern boundary; and
- * New tree planting (around 48 individual trees).

It should be noted that the layout and landscaping plans have been amended in order to slightly bend the access road around the large Oak Tree located just over the eastern boundary.

The applicant has stated that funding for the new surgery has

been applied for from NHS England and it is anticipated, given that the NHS Coastal West Sussex Clinical Commissioning Group support the proposal and that the land is owned by the applicants, that funding will be granted. The existing premises would remain in use until at least the point where the new medical centre has opened. However, no decision has yet been made on the future use of the existing facility once the new medical centre has opened. It is possible that it would remain in a healthcare use, for example as a dentist or veterinary surgery, or that permission will be sought for an alternative use of it.

SITE AREA	0.71 Hectares.
TOPOGRAPHY	Predominantly flat.
TREES	There are lots of existing trees to the site boundaries. One notable Oak tree on adjoining land to the east.
BOUNDARY TREATMENT	Tall hedging/existing tree planting to the doctors surgery and field boundaries on the eastern side. Boundaries to the south and west with residential properties close boarded fencing of between 1.8m and 2m in height. The northern boundary was not clear due to the overgrown nature of the site.
SITE CHARACTERISTICS	The southern narrow part of the site is used for staff car parking for approximately 20 vehicles. There is then a gate into the larger open part of the site which is largely overgrown up to 2m in places. Members will note that the location plan supplied with the agenda suggests that there is a pond on the west side of the site adjacent to 11 Collins Close. However, a site visit confirmed that the site of this 'pond' was actually a small piece of hardstanding.
CHARACTER OF LOCALITY	The site is considered to be rural but lies adjacent to residential development to the south and west. Cherry Tree Drive to the south comprises detached bungalows. Collins Close to the west comprises detached two storey dwellings. The existing surgery to the south east is single storey. The Collins Close dwellings to the west of the proposed new building include windows in rear elevations which overlook the site.

RELEVANT SITE HISTORY

EG/75/12/	Renewal of unimplemented outline planning permission EG/67/09/ for new medical centre incorporating pharmacy retail unit (A1 Shops) and other ancilliary uses together with access off of Barnham Road and associated car parking	ApproveConditionally 19-02-13
EG/67/09/	Outline application for a new medical centre incorporating pharmacy retail unit (class A1) and other	ApproveConditionally 03-02-10

ancillary uses together with access off Barnham Road and associated car parking. (This application is a departure from the development plan)

Outline planning permission for the proposed surgery incorporating a pharmacy was granted in February 2010 and subsequently renewed in 2012 but has since expired.

Outline planning permission was granted in 2015 at Eastergate Fruit Farm, on the land to the east of this for 60 homes under Ref EG/71/14/OUT. This permission remains extant but requires the submission of a reserved matters application within 9 months otherwise it will expire. It is noted that the Oak Tree referred to by the Councils Tree Officer would be retained by this permission.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Eastergate Parish Council

Objection: "The council supports the provision of improved facilities for parishioners but wishes to express concern as to the possible loss of the Pharmacy in Barnham village centre. Closure of that pharmacy will lead to considerable inconvenience to elderly residents as well as mothers with children. The council asks that the Barnham pharmacy be protected through planning conditions or agreements."

1 letter of support stating: "Brilliant....if they don't expand soon with all the development in the area the won't function at all. At present it's bad enough and needs massive expansion to run efficiently and promptly."

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

There is no evidence that the provision of a new pharmacy in this location will result in the closure of the pharmacy in the centre of Barnham. The Five Villages Pharmacy currently operate the pharmacies at both Barnham and at the existing Croft Medical Centre. However, if one has to close then this would be for commercial reasons and therefore separate to the planning process.

CONSULTATIONS

Parks and Landscapes

Southern Water Planning

Engineering Services Manager

Engineers (Drainage)

Environmental Health

WSCC Strategic Planning

Economic Regeneration

NHS Coastal West Sussex CCG

Ecology Advisor

Arboriculturist

Ecology Advisor
Ecology Advisor
WSCC Strategic Planning
Arboriculturist
Environmental Health
WSCC Strategic Planning
Southern Water Planning

CONSULTATION RESPONSES RECEIVED:

NHS COASTAL WEST SUSSEX CLINICAL COMMISSIONING GROUP - "The CCG supports this request and is part of our short term list growth & 'state of building' development plans."

SOUTHERN WATER - No objection subject to a condition requiring approval of proposed means of foul sewerage and an associated informative.

WSCC HIGHWAYS - No objection:

"The Local Highway Authority (LHA) requested further information to fully assess this application. The following points needed addressing and clarification.

1. A scaled plan demonstrating approximate visibility splays
2. A scaled plan demonstrating access arrangements to the site (to include how the footways would link in with the existing footway network)
3. A Road Safety Audit (RSA) stage 1 to cover all access arrangements was required
4. A Staff Travel Plan, was required or for the old one to be updated and submitted for review
5. A Revised parking strategy
6. Revised vehicle tracking diagrams

Access/Visibility

Drawing 2016-2889-DWG-203 demonstrates visibility in line with current standards, the LHA would raise no concerns to visibility. This plan also demonstrates access arrangements and how the footways would link into the existing footway network.

RSA

A RSA and Designer Response has been provided. The RSA raised two points,

- * 2.3.1 Side Road Gradient - it was recommended that at detailed design stage an appropriate gradient is agreed by the Designer, the LHA agree that this point can be addressed at detailed design; and
- * 2.4.1 Pedestrian Desire line - it is recommended that a formal crossing point is provided to allow pedestrians access the bus stop on the opposite side of the road from the surgery. The Designer has said that a crossing point will be reviewed at the time of the detailed design and provided if deemed appropriate.

The LHA agree that some form of crossing point is required to allow safe and suitable access for pedestrians. As part of Outline planning application EG/71/14 (Eastergate Fruit Farm) funding for a signalised pedestrian crossing point has been secured under the s106 agreement, although the implementation of this crossing is reliant on this development and the funding coming forward; although the LHA do not know when or if this development will happen. Some form of crossing point is required in line with the Road Safety Auditors comments, as to what form this takes can be agreed at detailed

design stage and covered via condition.

Staff Travel Plan

No staff travel plan has been provided, this will need to be provided/updated and submitted to the LHA to review.

Parking

The LHA have been in discussion with the Transport Consultant in relation to the on-site parking provision. After discussions parking has been increased from 54 - 60 spaces. The LHA are satisfied that although the maximum parking standard of 67 spaces has not been met the provision has been increased. Given the nature of the site with fixed appointment times and vehicles staying for short periods the LHA would not expect parking to cause a highway safety issue. The LHA can only consider the impact of overspill parking from a safety perspective; matters of amenity would be a matter for the consideration of the Local Planning Authority (LPA).

Tracking

Drawing 2016-2889-AT-101 shows a large refuse vehicle entering and exiting the site. When exiting there is some overhang over the centreline of Barnham Road, this is the largest vehicle expected to visit the site and infrequently, given the nature and width of Barnham Road it is not unusual for this to occur. The tracking of the refuse vehicle entering the site from both directions also enters onto the opposing side of the access road slightly. Given the infrequent use of this access by such a vehicle the LHA would raise no concern to this. The RSA also raised no concerns to the access or tracking.

Conclusion

The National Planning Policy Framework (NPPF) states that development should only be prevented or refused on highway grounds where the residual cumulative impacts of the development are severe. The LHA do not consider that this development would result in any impacts on the local highway network that could be considered severe. No objection would be raised."

CHICHESTER DISTRICT COUNCIL ECOLOGIST - No objection:

"Reptiles

Following the reptile survey submitted a precautionary approach should be taken within the site area with regards to 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.

Bats

The lighting scheme for the site will need to take into consideration the presence of bats in the local area and the scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding.

Nesting Birds

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 (with 24 hours of any work)."

ADC TREE OFFICER - Objection:

"Comments On Application:

* The applicants have employed Tim Pursey of Davies Landscape Architects who has prepared a Tree Survey & Tree Constraints Plan in accordance with the requirements of BS5837:2012 in support of an

application where trees are within influencing distance of proposals.

- * I have studied this and conclude that the trunk diameters and gradings allocated are a fair assessment.
- * The tree content in the central part of this site is sparse and of poor quality and the better trees are confined to the boundaries with most being off-site.
- * Dense brambles and understorey vegetation prevent full access to the trunk of the Oak T5 but 800mm is a fair assessment of its diameter which would give it an RPA of 9.6m.
- * I am not happy with the relationship of this tree to the proposed development and in particular the access road which cuts right through the RPA. I see no need for this when there is adequate space to keep outside of the RPA altogether.
- * I am disappointed to see that instead of looking for a solution by revising the layout to accommodate the tree as per BS5837 recommendations they have sought to apply mitigation measures with a 'No Dig' solution - this in my opinion is 'making it fit' the original layout rather than adjusting same and designing out any conflict with the tree.

Conclusions:

- * The Tree Survey report is brief but acceptable and the Constraints Plan likewise but sadly it has not informed the design and the proposed access road cuts right through the RPA exceeding the maximum of 20% of hard surfacing within an RPA advised under BS5837 and having the potential to have a serious and damaging effect on this fine specimen Oak tree.
- * Furthermore, BS5837 requires that where there is a threat to on or off-site trees an Arb Expert prepares a Method Statement & Tree Protection Plan are prepared and submitted in support of the layout explaining how this impact can be avoided or at the very least mitigated. This document and plan have not been provided.
- * I am not satisfied with the alternative proposals and still seek a revised layout that accommodates the full tree RPA as I do not see why the whole development cannot be moved further over to the west away from the tree and any loss of parking in the southern sector added to the northern sector where there is scope to accommodate it.

Recommendations:

- * I wish to register an OBJECTION to this scheme because of the high potential for it to have a serious and damaging effect on the fine off-site specimen Oak tree listed as T5 in the survey data. Furthermore there is no Arb Method Statement & Tree Protection Plan submitted to explain how this impact can preferably be avoided or at the very least mitigated.
- * In view of the threat to this fine tree I recommend that a TPO is made to protect it and include a TEMPO assessment and location plan with this report.
- * OBJECTION sustained.

ADC GREENSPACE - No objection:

"The proposals put forward in this application have indicated several existing trees within this location. These existing landscape features such as mature trees and hedgerows and appropriate new planting will require detail to be supplied regarding their long term management as the landscape develops. Any proposed landscape scheme will need to maximise the biodiversity of the site with the inclusion of native species and the retention of a variety of habitats. Existing trees and hedgerows along boundaries where established must be protected and retained and would require further planting to infill if found to be required. New tree and hedge planting would be required to infill sections where there are gaps and missing sections. This is particularly required to the southern and western boundaries of the site, where the proposals border neighbouring properties.

Landscaping

A full landscape scheme should be submitted for approval, detailing species choice, position, densities and size at time of planting. This should be plotted in plan and list form and in relation to the trees and

vegetation to be retained so that a clear picture of the proposals can be seen. These details are required to assure the adjacent properties privacy is maintained and the surrounding landscape is uncompromised. The landscape details dwg L90-200 and dwg L90-201 shows this in some detail but in indicative form only, further plan detail with annotation would be required. The privacy and views of the adjacent existing properties have the potential to be compromised by the proposals and full consideration of mitigation planting to offset the impact should be considered within the landscape design.

Arun District Councils Tree officer would need to be consulted regarding any proposed tree works. We note the tree cover to the periphery of the site which possess several existing significant trees including those located to the proposed access road and to the east of the site, which would require tree protection zones to be in place before any construction begins. This would be required for any retained trees including trees those whose root protection areas fall within the construction zone from neighbouring land; beyond the site boundary. This should be in accordance with BS 5837:2012 'Trees in relation to construction'

We would recommend that the above information is addressed and submitted for approval as part of a complete and considered application."

ADC ECONOMIC DEVELOPMENT: "Economic Development has no comment on this application."

ADC ENVIRONMENTAL HEALTH - No objection:

"Thank you for submitting the historical maps and conceptual site model with the application. Please apply ENV 5 (below) to approval."

ADC DRAINAGE ENGINEERS - No objection:

"Infiltration to be investigated for surface water drainage of new impermeable areas. Please apply standard conditions ENGD2A."

COMMENTS ON CONSULTATION RESPONSES:

All comments noted.

In response to the Tree Officer comments, the applicant has written to say that their advice (from their consultant) is that the scheme, as amended, is perfectly acceptable in arboricultural terms in relation to the Oak tree. They note that further changes could be made to the scheme to further distance any development from the tree but that this would have implications for other elements of the development.

On balance, it is considered that the local need for this new medical centre outweighs any unsubstantiated harm that will occur to the tree. It should also be noted that no objections were raised as to the impact of the development on the tree during either of the two previous applications.

POLICY CONTEXT

Designations applicable to site:

Outside the Built Up Area Boundary;
No Public Sewer;
Area of Special Control (Adverts); and
Lidsey Treatment Catchment Area.

DEVELOPMENT PLAN POLICES

Arun District Local Plan (2003):

DEV27	Retail Development Outside the Principal Shopping Areas
GEN3	Protection of the Countryside
GEN7	The Form of New Development
GEN9	Foul and Surface Water Drainage
GEN12	Parking in New Development
GEN28	Trees and Woodlands
GEN29	Nature and Conservation Across the District
GEN32	Noise Pollution
GEN33	Light Pollution

Publication Version of the Local Plan (October 2014):

C SP1	Countryside
D DM1	Aspects of Form and Design Quality
D SP1	Design
ECC SP2	Energy and climate change mitigation
ENV DM4	Protection of Trees
ENV DM5	Development and Biodiversity
QE DM1	Noise Pollution
QE DM2	Light Pollution
QE DM4	Contaminated Land
RET DM1	Retail Development
SD SP1	Sustainable Development
T SP1	Transport and Development
W DM3	Sustainable Urban Drainage Systems
INF SP1	Infrastructure provision and implementation

Main Modifications of the Local Plan (April 2017):

Housing	Allocations
H SP1	Strategic Site Allocations

Barnham & Eastergate Neighbourhood Plan 2014
POLICY CLW2

Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES1	Support for new medical facilities
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES5	Applications for new development must meet the local drainage requirements
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES6	Quality of design
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES8	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	Trees and hedgerows

POLICY ES10

Barnham & Eastergate Neighbourhood Plan 2014 Connection to sustainable transport
POLICY GA1

Barnham & Eastergate Neighbourhood Plan 2014 Parking and new development
POLICY GA4

Barnham & Eastergate Neighbourhood Plan 2014 Specific site allocation
POLICY H1

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

A new local plan is in preparation may be a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015. The Examination into the submitted plan was commenced but is currently suspended whilst Arun District Council addresses matters raised by the Inspector.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these is taking place 10 April 2017 to 5pm on Tuesday 30 May 2017. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification may also be material consideration to take into account.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used are material considerations in the determination of this planning application. The emerging Plan was submitted in January 2015 and the examination is currently suspended. The examination is due to re-commence in summer 2017 following publication of modifications to the Plan.

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 and policies within them will be considered in determining

planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. 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).

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

The following is an analysis of the Written Ministerial Statement (WMS) in respect of this application:

- The Barnham & Eastergate Neighbourhood Plan has not been part of the development plan for less than 2 years but the WMS is less than 2 years old;
- The Barnham & Eastergate Neighbourhood Plan allocates land for housing; and
- Arun District Council can only currently demonstrate an approximately 2 year supply of deliverable housing sites.

Therefore, the WMS does not apply.

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).

Relevant policies in the Barnham & Eastergate Neighbourhood Plan have been taken into account.

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 conflict with relevant Development Plan policies in that it would comprise of development unrelated to the needs of agriculture outside the built up area boundary and it would also conflict with Policy H1 of the Barnham and Eastergate Neighbourhood Development Plan which allocates the application site for 60 new homes. However, the application 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 and would provide a medical centre much needed by current and future residents.

OTHER MATERIAL CONSIDERATIONS

Material considerations exist which are considered to allow the development contrary to the development plan. These are discussed within the Conclusions Section of this report.

CONCLUSIONS

PRINCIPLE:

The site lies outside of the Built-Up Area Boundary within the adopted Local Plan where development is not acceptable in principle, unless necessary for the needs of agriculture, forestry, the extraction of minerals, deposit of waste, the diversification of the rural economy or where it is in accordance with another part of the Local Plan (Arun Local Plan Policy GEN3).

The application site forms a small part of a larger site allocation for up to 60 homes as set out within the Barnham and Eastergate Neighbourhood Development Plan (BENDP). The supporting text to the policy states that the Neighbourhood Plan for Barnham and Eastergate had to allocate land for a minimum of 200 housing units. Against this, permission has already been granted for some 158 houses & flats since 31 March 2013. The resulting requirement is accordingly that the plan should allocate land for at least 42 housing units. The 60 home allocation therefore exceeds this balance. Furthermore, outline permission was granted in 2015 (EG/71/14/OUT) for 60 new homes on the land immediately to the east of the application site. Therefore, the 200 home requirement has already been met by permissions elsewhere in the area.

It should also be noted that the current version of the emerging Local Plan (Arun Local Plan 2011-2031 Publication Version showing Modifications - which is out for public consultation prior to an Examination scheduled for later in 2017) allocates land for up to 2300 dwellings over the plan period (up to 2031) with a further 700 planned beyond 2031. These dwellings will be located on a different site roughly located between Barnham, Eastergate and Westergate.

Other material considerations which should be taken into account include support from the National Planning Policy Framework, support from other planning policies, community benefits & the need for the new medical centre. These are discussed below. Furthermore, it should be noted that the principle of development has previously been accepted by outline applications EG/67/09 and EG/75/12/. These are all considered to be sufficient to allow for an approval in principle of this proposal as an exception to development plan policy.

NATIONAL PLANNING POLICY FRAMEWORK (NPPF):

The National Planning Policy Framework or NPPF is considered to lend considerable support to proposals which will benefit the health of local communities. For instance, paragraph 17 states that "..... planning should: * take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs."

Furthermore, paragraph 70 states that: "..... planning policies and decisions should: * plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments"

The NPPF also sets out a presumption in favour of sustainable development. Paragraph 14 states that the presumption in favour of sustainable development requires the granting of planning permission, 'unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits'. Paragraph 7 sets out the three dimensions to sustainable development - the economic, social and environmental roles. In order to achieve sustainable development, economic, social and environmental

gains should be sought jointly and simultaneously through the planning system.

It is considered that this new surgery would result in economic benefits through the employment of additional staff & the need to employ persons to construct the development. Social & health benefits will be gained from the provision of greater medical services to the community and the ability to satisfy current & future demand. In terms of the environment, it is considered that the site lies in a relatively sustainable location being on a main road and bus route between Barnham and Eastergate/Westergate and also being within walking distance of nearby residential development. The site is also next door to the existing surgery.

WSCC Highways have stated that that the scheme demonstrates that proposed new footways will link into the existing footway network. It is therefore considered that the proposal is environmentally acceptable and offers economic & social benefits. It would therefore represent sustainable development.

SUPPORT FROM OTHER PLANNING POLICIES:

Barnham and Eastergate Neighbourhood Development Plan (BENDP) policy CLW2 (Medical Facilities) supports new medical facilities within the area. The postamble text to the policy states that: "There is no medical provision in Barnham. Resident surveys have shown concerns about increased waiting times at GP surgeries and the pressure on services when the additional approved housing is built."

In addition, policy INF SP1 of the Arun Local Plan 2011-2031 Publication Version showing Modifications states that: "The Local Planning Authority will support development proposals which provide or contribute towards the infrastructure and services needed to support development to meet the needs of occupiers and users of the development and the existing community."

NEED & BENEFITS:

It is understood that the existing surgery building was purpose built to the maximum specification of the NHS red book guidelines of the time (1992) and was intended to serve a total practice list of 6,500 people. The current patient list is almost 11,275 people and there has also been an increase in services offered by the surgery due to NHS guidelines on primary versus secondary care.

The existing surgery building is stated to be severely cramped with a floor area of only 300sqm, well below the recommended requirements for modern GP surgeries, and this severely impacts upon service delivery for patients. Furthermore, the current surgery does not comply with the Disability Discrimination Act (DDA)

The proposed building will enable compliance with the DDA, will meet the needs of the existing patients and will also allow for the expected future demand to be met with a medical centre suitable for up to 15,000 patients. The new facility would also be suitable for 7 days working should that be necessary in the future.

It is noted that the application is supported by the NHS Coastal West Sussex Clinical Commissioning Group.

The key benefits of the development will be the creation of a modern day primary care facility, fit for purpose, with the aim of improving access to the practice population to a wide range of medical services, with appropriate shifts of secondary to primary care work to be delivered closer to home, and in line with the NHS plan. The surgery will also be capable of absorbing the increase in people expected from the future large scale development on Barnham, Eastergate & Westergate.

DESIGN & CHARACTER:

Local Plan Policy GEN7 (ii) requires that new developments respond positively to the identified characteristics of a particular site to create developments which respect local characteristics.

Barnham & Eastergate Neighbourhood Development Plan policy ES5 states that: "All new development within the parishes should be of a high quality design, and will be expected to conform to the forthcoming Barnham and Eastergate Design Guide once it has been adopted as supplementary planning guidance in accordance with paragraph 1.41 of the Local Plan."

There is no Design Guide as yet.

Policy ES6 then states that: "New development should contribute positively to the character of the two villages, and should reflect the design qualities of their time, so that the richness of varied character continues and is extended into the future."

Although the site lies outside of the built up area, it is adjacent to existing residential development to the west and south, and is also adjacent on the eastern side to a planned residential site. The residential properties in Collins Close, to the west, are two storey and the proposed scale of the surgery would be in keeping with these and it would not therefore appear as an overly dominant feature in the area. The building would be centrally located within the site, providing space to the site boundaries reflecting the spaciousness of adjoining development.

The proposed drawings show a predominantly 2 storey building but with a section of single storey on the north western corner. The building design incorporates different elevational treatments including ground to first floor glazing, timber cladding, render, brickwork and mixed roof forms. It is considered that the proposed building can be satisfactorily accommodated on the site without adversely affecting the visual amenities of the locality. It is also noted that the proposed design is the same as previously shown on the outline applications.

RESIDENTIAL AMENITY:

Arun District Local Plan Policy GEN7 (iv) indicates that development will be permitted if it takes into account impact on adjoining occupiers, land, use or property. One of the 'core planning principles' of the National Planning Policy Framework (NPPF) is to secure high quality design and a good standard of amenity (paragraph 17).

The site is considered to benefit from good existing tree screening on the eastern side with some sporadic trees also on the western boundaries. The application also proposes to plant a number of trees to the northern, western and southern boundaries which will, in time, screen and soften the building when viewed from nearby residential properties.

The proposed building will be sited 25m from the rear boundary of the nearest residential property in Collins Close to the west. There is a similar distance to the side boundary of 18 Cherry Tree Drive to the south. These distances are considered to be acceptable so as to prevent any materially adverse effects resulting to adjoining residential properties from either overlooking or loss of light.

Proposed car parking would be 5m from the boundary of 11 Collins Close at its closest point. It is proposed to plant trees along this boundary and this will reduce any adverse noise arising from vehicle movements to an acceptable level. The distance between car parking spaces and the boundaries of properties on Cherry Tree Drive is greater at 6-7m.

The hours of opening referred to in the application forms preclude Sundays and Bank Holidays and the pharmacy would operate between 9 a.m. and 4 p.m. on a Saturday, 9 a.m. - 6 p.m. Monday - Friday and the surgery would be open between 7 a.m. - 8 p.m. Monday to Friday and 8.30 a.m. to 12 noon on Saturdays. These hours would reduce activity and noise generated from the site at evenings and weekends when residents would expect to be able to enjoy peace and quiet. It is proposed to restrict these hours by condition.

HIGHWAYS & PARKING:

The proposal will use an existing access point from Barnham Road and provides 56 car parking spaces including 11 disabled bays, 43 standard bays and 2 motorcycle bays. In addition, 14 cycle spaces are provided. West Sussex Highways had originally requested additional information but this was provided and their assessment is that the development would not result in any impacts on the local highway network that could be considered severe. Therefore, in accordance with paragraph 32 of the National Planning Policy Framework, they raise no objection.

TREES:

Barnham & Eastergate Neighbourhood Development Plan policy ES10 states that:

"Development that damages or results in the loss of ancient trees or trees or hedgerows of arboricultural and amenity value will not be supported. Development proposals must be designed to retain ancient trees or trees or hedgerows of good arboricultural and amenity value. A minimum buffer of at least 15 metres in width should be maintained between ancient woodland and any development boundary"

As is clear from the response of the Councils Tree Officer above, there is concern that the proposed road layout will impact on the Root Protection Area (RPA) of the notable Oak Tree on the eastern side of the site (within neighbouring land). The applicants have amended the road layout slightly to mitigate this impact and their Arboricultural consultants consider that the scheme, as amended, is acceptable in arboricultural terms in relation to the oak tree. The applicants do not wish to make any further revisions as this will then start to impact on the other elements of the development such as the building itself. However, the Councils Tree Officer does not consider that the changes go far enough and sustains his objection.

However, this objection must be balanced against the benefits of the proposed surgery to the health and wellbeing of the local community. These benefits are considered to outweigh the potential for harm to the tree and therefore, it is not considered that the application should be refused on these grounds. Another consideration is that on two previous occasions, the health of the tree was not questioned.

DRAINAGE:

No objections have been raised to the scheme on drainage grounds. Conditions are recommended by Council Engineers and by Southern Water to require approval of foul and surface water sewerage details.

SUMMARY:

It is considered that the provision of an enlarged medical centre is needed within the local area and that it will provide a significant social benefit to the local community. The new surgery will also future proof local medical provision for the expected increase in new houses. These benefits are considered to be important material considerations to which great weight can be attached. These therefore serve to offset the fundamental policy objections of development outside the built up area boundary, of development

within a Neighbourhood Plan housing allocation and of the possibility of harm to a notable tree. The application is therefore recommended for approval subject to the following conditions.

HUMAN RIGHTS ACT

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 positive 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:

Block Plan dwg. 5499 109 Rev C;
 Site Plan dwg. 5499 110 Rev E;
 Site Entrance Plan dwg. 5499 111 Rev D;
 Ground & First Floor Plans dwg. 5499 112;
 Proposed Elevations dwg. 5499 114 Rev A;
 Proposed External Enclosures dwg. 5499 115;
 Roof plan dwg. 5499 113;
 Swept Path Analysis Using a Large Refuse Vehicle dwg. 2016-2889-AT-102;
 Proposed Junction Improvements with 2.4m by 43m Visibility Splay dwg. 2016-2889-DWG-203;
 Landscape Details Sheet 1 of 2 dwg. L90-200 Rev A;

Landscape Details Sheet 2 of 2 dwg. L90-201 Rev A; and
Tree Protection plan dwg. 1753 DLA ARB 01.

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 The development must be carried out in accordance with section 3 of the submitted Reptile Survey Report (October 2016), with section 3 of the submitted Ecology Report (July 2016) and with the recommendations of the Councils Ecologist, namely:

(1) Efforts should be made to ensure that site clearance operations, particularly the clearance of dense vegetation should be undertaken in such a manner as to avoid accidental killing and injury of hedgehogs that might be sheltering within the Site. All dense ground vegetation should be cleared by hand outside of the bird nesting period (as described above) and the ground checked by an ecologist to ensure that it is free of hedgehogs before machinery is allowed to break the ground surface. Any hedgehog that is found should be relocated to a safe sheltered part of the northern land area. All cut vegetation should be chipped on site or, preferably, removed from site and not stored in heaps that could prove attractive to hedgehogs for shelter unless the intention is to leave them as permanent habitat piles for wildlife; and

(2) 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 accordance with Arun District Local Plan policy GEN29 and the National Planning Policy Framework.

- 4 Should it prove necessary to clear bird nesting habitat during the bird nesting season, then within 24 hours of such works, a pre-works check for nesting birds should be undertaken by a chartered ecologist. If any active nests are found then all site clearance/demolition activities should cease and an appropriate buffer zone around the nest should be established. This buffer zone should be left intact until it has been confirmed that the young have fledged and the nest is no longer in use.

Reason: To safeguard the ecology of the area, and in the interests of birds in accordance with policies GEN7 and GEN29 of the Arun District Local Plan and the National Planning Policy Framework.

- 5 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.

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, the recommendations of the SUDS Manual produced by CIRIA.

Winter groundwater monitoring to establish 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.

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 GEN7 and GEN9 of the Arun District Council 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.

- 6 Construction of the development shall not commence unless and until details of the proposed means of foul water sewerage disposal has been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water. The scheme as approved shall be implemented prior to the first occupation of the building and maintained in good working order.

Reason: To ensure that the proposed development has a satisfactory means of disposing of foul sewerage in accordance with policy GEN9 of the Arun District Council Local Plan.

- 7 No excavation works, changes in levels or introduction of machinery onto the site shall take place unless and until an Arboricultural Method Statement and Tree Protection Plan have been submitted to and approved by the Local Planning Authority. The approved development shall thereafter proceed in accordance with the approved Method Statement and Tree Protection Plan.

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. This is required to be a pre-commencement condition because otherwise trees might be harmed by construction works.

- 8 Prior to any demolition or construction works taking place or the introduction of machinery and plant to the site the following issues must be resolved to the complete satisfaction of Arun District Council :-

(1) A pre-commencement site meeting is to take place between the Arun DC Tree Officer and the Arboricultural Consultant representing the site owners - at this meeting all protective fencing will be inspected along with ground protection measures - they will be assessed to verify that they are 'Fit for Purpose' as required under British Standard 5837:2012 and have been erected and positioned exactly as shown on the submitted Tree Protection Plan required by Condition 07.

(2) 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 their installation 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 works are commenced out on site.

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. This is required to be a pre-commencement condition because otherwise trees might be harmed by construction works.

- 9 No development shall take place, including any works of demolition, 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 be 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 loading and unloading of plant, materials and waste;
- * the storage of plant and materials used in construction of the development;
- * the erection and 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); and
- * details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area in accordance with policy GEN7 of the Arun District Local Plan and the National Planning Policy Framework. This is required to be a pre-commencement condition because construction cannot commence until the management of this aspect has been agreed.

- 10 No development shall commence until such time as revised plans and details incorporating the recommendations given in the Stage 1 Road Safety Audit and accepted in the Designers Response (in particular to problem 2.4.1 - a pedestrian crossing point) have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason: In the interests of highway safety and the amenities of the area in accordance with policy GEN7 of the Arun District Local Plan and the National Planning Policy Framework. This is required to be a pre-commencement condition because it relates to the safe use of the access onto the highway.

- 11 No development other than as required by this condition shall commence until the vehicular access serving the development has been constructed in accordance with the approved planning drawing (Drawing no: 2016-2889-DWG-203).

Reason: In the interests of road safety in accordance with policy GEN7 of the Arun Local Plan and with the National Planning Policy Framework. This is required to be a pre-commencement condition because it relates to the safe use of the access onto the highway.

- 12 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 which takes forward the ecological enhancements detailed within the submitted Landscape Detail Plans (Drawings L90-200 Rev A & L90-201 Rev A) and includes 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 policies GEN7 and GEN29 of the Arun District Local Plan.

- 13 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 surgery 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 surgery 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 policy GEN7 of the Arun District Local Plan.

- 14 No part of the development shall be first occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

Reason: To encourage and promote sustainable transport in accordance with policy GEN7 of the Arun Local Plan and with the National Planning Policy Framework.

- 15 No part of the development shall be first occupied until the vehicle turning space has been constructed within the site in accordance with the approved site plan. This space shall thereafter be retained at all times for their designated use.

Reason: In the interests of road safety in accordance with policy GEN7 of the Arun Local Plan and with the National Planning Policy Framework.

- 16 No part of the development shall be first occupied until visibility splays of 2.4 metres by 43 metres have been provided at the proposed site vehicular access onto Barnham Road in accordance with the approved planning drawings (Drawing no: 2016-2889-DWG-203). Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety in accordance with policy GEN7 of the Arun Local Plan and with the National Planning Policy Framework.

- 17 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: In the interests of road safety in accordance with policy GEN7 of the Arun Local Plan and with the National Planning Policy Framework.

- 18 No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The scheme should also minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding. The lighting approved shall be installed and shall be 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) and to minimise unnecessary light spillage outside the development site in accordance with policies GEN7, GEN29 & GEN33 of the Arun District Local Plan and the National Planning Policy Framework.

- 19 The development hereby approved shall not normally be used for patients other than between the hours of 7am and 11pm.

Reason: To ensure that the proposed development does not prejudice the amenities of neighbouring residential properties in accordance with Arun District Local Plan policies GEN7

and GEN32.

- 20 Prior to the opening of any part of the approved Medical Centre, a scheme shall be submitted to, and approved in writing by the Local Planning Authority detailing measures to prevent usage of the southern car park after 19:00 hours on Mondays to Sundays. The agreed measures shall thereafter be implemented and unless otherwise agreed in writing with the Local Planning Authority, permanently retained thereafter.

Reason: To ensure that the proposed development does not prejudice the amenities of neighbouring residential properties in accordance with Arun District Local Plan policies GEN7 and GEN32.

- 21 If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with Arun District Plan policy GEN7.

- 22 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.

- 23 INFORMATIVE: The applicant is advised to enter into a legal agreement with 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.

- 24 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel 033 0303 0119) or www.southernwater.co.uk.

- 25 INFORMATIVE: It is understood that a private treatment system is proposed for foul drainage. This may require an Environmental Permit. The Environmental Permitting Regulations (England and Wales) 2010, cover water discharge activities, groundwater activities, radioactive substances, waste, mining waste and installations. Please see the Environment Agency's website for further information: <http://www.environment-agency.gov.uk/business/topics/permitting/default.aspx>.

- 26 INFORMATIVE: Should any protected species or evidence of any protected species be found prior to or during the development, all works must stop immediately and an ecological consultant or Chichester District Council's ecologist contacted for further advice before works can proceed. All contractors working on site should be made aware of this advice and provided with the contact details of a relevant ecological consultant.

- 27 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.

28 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.

29 INFORMATIVE: Drainage Engineers advise that 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 BRE 365, 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 30% 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 are also available on request.