

DECISION NOTICE

Application Ref: WA/97/19/PL

1 To Addressee

Murray Planning Associates Ltd
Office 7 Capron House
North Street
Midhurst
GU29 9DH

2 Site Address

Mill Ball
Binsted Lane
Arundel
BN18 0LJ

3 Description of Development

1 No. replacement dwelling.

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 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; Site and Location Plan (PL12 Rev P2) and Proposed Floor Plans and Elevations (PL10 Rev P5).

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 and LAN DM1 of the Arun Local Plan.

- 3 No development above damp proof course level shall commence until full details of the automated black out blinds, including the proposed blind material (which should be fully opaque), the operating system and the timings of use (dusk until dawn), have been submitted to and approved in writing by the Local Planning Authority. The blinds are to be retained and used in accordance with the approved details for the lifetime of the development hereby approved.

Reason: To protect the status of the South Downs National Park as an International Dark Skies

Reserve and to prevent light spill affecting sensitive habitats, in accordance with the NPPF, policies LAN DM1 and ENV DM5 of the Arun Local Plan and policies VE8 and VE10 of the Walberton Neighbourhood Plan.

- 4 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 seek to conform with the recommendations within BS5489:1-2013 so as to minimise potential impacts on 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 and retained as such in perpetuity.

Reason: To light spill affecting sensitive habitats, in accordance with the NPPF, policy ENV DM5 of the Arun Local Plan and policies VE8 and VE10 of the Walberton Neighbourhood Plan.

- 5 The development hereby approved shall be undertaken wholly in accordance with the ecology mitigation measures set out in the Phase I and II Ecological Survey (prepared by ecosupport, dated 12th September).

Reason: To safeguard the ecology of the area including legally protected species, to ensure compliance with the relevant legislation, and in accordance with ENV DM5 of the Arun Local Plan and policy VE10 of the Walberton Neighbourhood Plan.

- 6 No removal of trees, shrubs or other vegetation that may contain birds' nests shall take place between 1st March and 31st September inclusive, unless a suitably qualified ecologist/wildlife specialist has undertaken a careful, detailed, check of vegetation for active birds' nests immediately before the vegetation is cleared and confirmed that no nests will be harmed. Where nests are discovered, the vegetation shall remain in place until nesting activity has ended naturally and the ecologist has confirmed that it is safe to proceed.

Reason: To prevent interference with the breeding success of wild birds in the interests of biodiversity conservation, as well as to ensure compliance with the legal protection of birds, their nests and eggs under Section 1 of the Wildlife and Countryside Act 1981 as amended, and in accordance with policy ENV DM5 of the Arun Local Plan.

- 7 No development above damp proof course level shall commence until a Net Biodiversity Gain Site Plan (including measures such as bird and bat boxes etc. and in accordance with guidance published by Natural England) has been submitted to and approved in writing by the Local Planning Authority. These measures approved shall be installed and maintained in accordance with the approved details and retained as such in perpetuity.

Reason: In the interests of biodiversity gain, in accordance with the Environmental Bill, the NPPF, policy ENV DM5 of the Arun Local Plan and policy VE10 of the Walberton Neighbourhood Plan.

- 8 Before any machinery is introduced to the site or demolition work or construction work or alterations to existing ground levels takes place a PRE-COMMENCEMENT Site Meeting is to take place between the Planning Authority's Tree Officer and the Arboricultural Expert representing the site owner(s) - at this meeting all protective fencing will be inspected to verify it is 'Fit for Purpose' as required under British Standard 5837:2012 and has been erected and positioned exactly as shown on: Appendix 7 - Tree Protection Plan, Beechdown Arboriculture Limited, 06/12/2019.

Reasons: In the interests of the landscape and visual amenity of the area, to comply with BS5837 and policies ENV DM4 of the Arun Local Plan and VE3 of the Walberton Neighbourhood Plan. This needs to be a pre commencement condition to ensure that trees are taken care of before any works take place.

- 9 All activity at the site is to be carried out in strict accordance with: - Arboricultural Report, ref:

Part a) Any disturbance of the existing driveway and hard standing (includes all construction layers, hard wearing course and sub-base materials) which currently provides ground protection within the nominal RPA of T1-T4 incl. must be agreed in advance with the Local Planning Authority. 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 such works are commenced out on site.

Part b) 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.

Reasons: In the interests of the landscape and visual amenity of the area, to comply with BS5837 and policies ENV DM4 of the Arun Local Plan and VE3 of the Walberton Neighbourhood Plan.

- 10 Any tree pruning considered essential by the project arboriculturist to facilitate the development as approved, must meet the requirements of BS3998:2010 Tree work - Recommendations:

- Where whole branches are to be removed and final cuts made close to the trunk or branch union they are to be made as shown in Figure 2 of BS3998:2010.

- Where branches are to be shortened back the final cuts are to be made at the correct angle shown in BS3998:2010 and adjacent to a live bud or lateral.

Reasons: To ensure the continued health and vitality of trees, in the interests of the landscape and visual amenity of the area, and to accord with current industry guidelines, sound arboricultural practice and policies ENV DM4 of the Arun Local Plan and VE3 of the Walberton Neighbourhood Plan.

- 11 If during development, any visible contaminated or odorous material (for example asbestos containing material, stained soil, petrol/ diesel/ solvent odour, underground tanks, or associated pipework) not previously identified, is found to be present at the site, no further development, (unless otherwise expressly agreed in writing with the Local Planning Authority) shall be carried out until it has been fully investigated using suitably qualified independent consultant/s. The Local Planning Authority must be informed immediately of the nature and degree of the contamination present and a method statement detailing how the unsuspected contamination shall be dealt with must be prepared and submitted to the Local Planning Authority for approval in writing before being implemented. If no such contaminated material is identified during the development, a statement to this effect must be submitted in writing to the Local Planning Authority.

Reason: To protect the amenity of local residents and future occupants, in accordance with policy QE DM4 of the Arun Local Plan.

- 12 No construction activities shall take place, other than between 08:00 and 18:00 hours (Monday to Friday) and between 08:00 and 13:00 hours (Saturday) with no noisy working activities on Sunday or Bank Holidays.

Reason: To protect the amenity of local residents, in accordance with policy QE SP1 of the Arun Local Plan.

- 13 The new dwelling shall not be occupied unless and until the applicant has submitted a scheme for

approval by the Local Planning Authority to demonstrate that the new house will incorporate decentralised, renewable and low carbon energy supply systems and use sustainable construction methods. The approved scheme shall thereafter be implemented prior to occupation of the dwelling and any approved renewable energy supply systems shall be permanently retained & maintained in good working order thereafter.

Reason: To ensure that the development is energy efficient, and in accordance with policy ECC SP2 of the Arun Local Plan.

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

Reason: To provide car-parking space for the use of the occupants of the dwelling, in accordance with policy T SP1 of the Arun Local Plan and paragraphs 108-110 of the National Planning Policy Framework.

- 15 No part of the development shall be first occupied until secure and uncovered cycle parking spaces have been provided in accordance with the plans and details submitted to the Local Planning Authority. These spaces shall thereafter be retained at all times for their designated purpose.

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

- 16 Prior to the occupation of the dwelling, a scheme for the provision of facilities to enable the charging of electric vehicles to serve the approved dwelling shall be submitted to the Local Planning Authority for approval and thereafter implemented in accordance with the approved details and the charge point/s shall thereafter be permanently retained and maintained in good working condition.

Reason: New petrol and diesel cars/vans will not be sold beyond 2040, 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 District Council Electric Vehicle Infrastructure Study (November 2017) and the National Planning Policy Framework.

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.

INFORMATIVE: The applicant is advised that any alterations to surface water and foul water drainage must comply with Building Regulations.

INFORMATIVE: The applicant is advised that a Natural England Protected Species Licence will be required prior to any works on site.

INFORMATIVE: The granting of this permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received. For further information please contact the Environmental Health Department on 01903 737555.

INFORMATIVE: The applicants attention is drawn to the requirements of the Environmental Protection Act 1990 and the Clean Air Act 1993 with regard to burning on site. A 'statutory nuisance' may be caused by smoke and ash from fires or noise from cutting or chipping trees. In addition, air quality can be adversely affected on large projects. The granting of this planning permission does not permit a statutory nuisance to

be caused. The Environment Agency should also be contacted regarding Exemption Permits to burn on site.



Neil Crowther
Group Head of Planning

Case Officer: Ms Myer

Decision Issued: **20th December 2019**

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