

Vivid Design Studio Ltd
Paddock View
Calcot Mount Business Park
Calcot Lane
Curdridge
SO32 2BN

Date: 18th May 2021

Please ask for: Amy Myer
Tel: 01903 737776

Your Ref:

Our Ref: Y/43/21/DOC

Dear Mr Dudley,

Town & Country Planning Act 1990 (as amended)

Town and Country Planning (Development Management Procedure) (England) Order 2015

Approval of details reserved by condition imposed under ref Y/18/20/PL relating to Condition Nos 4 - pre-commencement site meeting, 5 - contamination, 7 - surface water drainage and 8 - maintenance & management of surface water drainage.

Land East of North End Road and West of Church Lane Nursery Yapton BN18 0GA

Notification regarding the above application:

Condition Number 4

Before the site is occupied or any machinery is introduced to the site or demolition work or construction work or alterations to existing ground levels takes place a PRE-COMMENCEMENT Site Meeting is to take place between the Planning Authority's Tree Officer and the Arboricultural Expert representing the site owner(s) or other competent person - at this meeting all protective fencing will be inspected to verify it is 'Fit for Purpose' as required under British Standard 5837:2012 and have been erected and positioned exactly as shown on the Tree Protection Plan, ref. 18063-BT1.

Reasons: To comply with BS5837 and policy ENV DM4 of the Arun Local Plan 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 it is necessary to ensure that trees are fully protected before the ground is disturbed and works commence.

Decision:

Arun District Council have decided to **REFUSE details reserved by condition for the following reasons:**

The discharge of Condition (4) requiring a pre-commencement site meeting to take place between the Council's Tree Officer and the Project Arboriculturist is refused for the following reason:

Development on site has already commenced (and been substantially constructed - above damp

course and first storey level as of 11/05/2021) and no pre-commencement site meeting between the Council's Tree Officer and Project Arboriculturist took place.

The Council's Tree Officer made a site visit on 11/05/2021, when construction was well-advanced, and met with the Project Contractor. The Council's Tree Officer commented that existing Tree Protective Fencing was either non-existent or inadequate although they found no evidence of obvious damage to off-site retained trees. However, in the absence of any site monitoring reports, the Council cannot be sure that damage has not occurred to trees as a result of development, which would be contrary to British Standards and Arun Local Plan policy ENV DM4. There were several anomalies/omissions observed on site which did not accord with the details in the approved TPP, AIA and AMS. The Tree Officer confirmed that they could not recommend the discharge of the condition.

It is suggested that rather than applying for this condition to be discharged (which cannot be logically achieved since development already commenced significantly prior to the Tree Officer visiting the site for a meeting to check tree protection measures etc.) that instead an application should be made for the removal of this condition. Instead what is required is on-going monitoring by Planning Enforcement to ensure that the applicants meet their on-going obligations with respect to tree protection, in accordance with Condition 3 (development to be undertaken in strict accordance with the approved Tree Reports), and that they provide written confirmation from the Project Arboriculturist that the outstanding issues have been resolved and they are satisfied.

Please do not hesitate to contact the above officer if you require any further assistance.

Yours sincerely

A handwritten signature in black ink, appearing to be 'NC' followed by a flourish and a period.

Neil Crowther
Group Head of Planning