



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

Application Ref: AL/103/18/PL

1 To Addressee

Henry Adams
 Rowan House
 Baffins Lane
 Chichester
 West Sussex
 PO19 1UA

2 Site Address

L'Apache
 Westergate Street

 PO20 3SQ

3 Description of Development

Erection of 2 No. dwellings & alterations to existing dwelling.

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 Location Plan

Drawing No. 0110 Rev. P01 - Site Plan Existing
 Drawing No. 0120 Rev. P04 - Site Plan Proposed
 Drawing No. 0190 Rev. P01 - Ground Floor Existing
 Drawing No. 0200 Rev. P03 - Ground Floor Proposed
 Drawing No. 0200 Rev. P02 - First Floor Proposed
 Drawing No. 0200 Rev. P01 - Roof Plan Proposed
 Drawing No. 0300 Rev. P02 - Elevations Proposed S/E
 Drawing No. 0301 Rev. P01 - Elevations Proposed N/W
 Drawing No. 0310 Rev. P02 - Elevation E
 Drawing No. 0311 Rev. P03 - Elevations N/S/W
 Drawing No. 3010 Rev. P01 - Visualisation
 Drawing No. RCo 250 / 03 Rev. 01 - Soft Landscape Layout
 Drawing No. RCo 250 / 02 Rev. 01 - Tree Protection Drawing
 Drawing No. RCo 250 / 04 Rev. 01 - Detailed Planting Plan
 Drawing No. RCo 250 / 01 - Tree Constraints Drawing

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Policy D DM1 of the Arun Local Plan.

- 3 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes to be used for external walls and roofs of the proposed houses and the extension to the existing house known as "L'Apache" have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the two houses and the extension.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve buildings of visual quality in accordance with Policy D DM1 of the Arun Local Plan.

- 4 No construction activities shall take place, other than between the hours of 08:00 - 18:00 hours Monday to Friday, 08:00 - 13:00 Saturday and no working activities at any time on Sundays, and bank and public holidays.

Reason: In the interests of amenity in accordance with Policy D DM1 of the Arun Local Plan.

- 5 No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development, in accordance with Policy D DM1 and Policy T SP1 of the Arun Local Plan.

- 6 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans to be submitted to and approved by the Local Planning Authority, after consultation with the County Highway Authority.
- Reason: To provide alternative travel options to the use of the car in accordance with Policy D DM1, Policy T SP1 and Policy T DM1 of the Arun Local Plan.
- 7 Prior to the occupation of the two dwellings hereby approved, the 'Keep Clear' markings shall be re-instated on the carriageway of Lidsey Road adjacent to the private road access.
- Reason: To ensure that vehicles queuing back from the level crossing do not block the entrance/egress from the access road, in accordance with Policy T SP1 of the Arun Local Plan.
- 8 Prior to the commencement of the development hereby approved, a detailed level survey of the site including existing and resulting ground levels and the slab levels of the buildings the subject of this approval, shall be submitted to and approved by the Local Planning Authority. The development shall proceed only in accordance with the details thus approved and there shall be no subsequent raising of levels without prior written approval of the Local Planning Authority.
- Reason: In order to safeguard the amenities of the area and neighbouring residents, and to ensure the appearance and height of the two new dwellings are in keeping with the adjacent housing, in accordance with Policy D DM1 of the Arun Local Plan. This condition is required to be pre-commencement as the levels need to be surveyed prior to any works commencing.
- 9 No development shall take commence until a surface water drainage scheme, based on sustainable drainage principles, has 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.
- Reason: To ensure that the proposed development is satisfactorily drained in accordance with Policy W SP1, Policy W DM1, Policy W DM2 and Policy W DM3 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition to ensure that the surface water disposal scheme is agreed before construction commences.

- 10 The sustainable urban drainage system (SUDS) shall be implemented in accordance with the approved details and agreed timetable, and shall be permanently retained thereafter. The details shall include a detailed site specific SUDS Maintenance and Management Plan, setting out the ongoing maintenance and management of the SUDS, including financial management. Prior to occupation of any part of the development, the developer/applicant shall provide the local planning authority with as-built drawings of the implemented scheme together with a completion report prepared by an independent engineer.
- Reason: To ensure that the proposed development is satisfactorily drained in accordance with Policy W SP1, Policy W DM1, Policy W DM2 and Policy W DM3 of the Arun Local Plan.
- 11 Prior to the commencement of construction works, the applicant shall connect into the 150mm diameter foul water sewer that runs along the private access lane towards the application site, subject to Southern Water's consent.
- Reason: To prevent pollution of water bodies and to ensure the satisfactory drainage of the site and to prevent flooding, in accordance with Policy D DM1 and Policy W DM1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because the site drainage needs to be approved and implemented before the dwellings are occupied
- 12 Prior to commencement of construction, details shall be submitted for approval setting out how the development will incorporate decentralised, renewable and low carbon energy supply systems. The approved details should thereafter be implemented prior to occupation of any of the dwellings and any approved renewable energy supply systems shall be permanently retained and maintained in good working order thereafter.
- Reason: To ensure that the development is energy efficient and provides climate change mitigation in accordance with Policy ECC SP1 of the Arun Local Plan
- 13 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting this Order) no extensions (including porches or dormer windows) to the dwelling houses shall be constructed or buildings shall be erected within the curtilage unless permission is granted by the Local Planning Authority on an application in that behalf.
- Reason: To safeguard the privacy and amenity of adjoining occupiers, maintain adequate amenity space and safeguard the cohesive appearance of the development in accordance with Policy D DM1 of the Arun District Local Plan.

- 14 All planting, seeding or turfing comprised in the approved landscaping details shall be carried out in the first planting and seeding seasons following the occupation of the two houses or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the 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.

Reason: In the interests of residential amenity and of the environment of the development in accordance with Policy D DM1 of the Arun Local Plan and Policy EH6 of the Aldingbourne NP.

- 15 The two semi-detached houses hereby approved shall not be occupied until the following ecological enhancements have been implemented on the site:

- the installation of a 1FR Bat Tubes on the external walls of the two houses, for bat roosting; and
- the installation of a 1SP Schwegler Sparrow Terrace for bird nesting on the two houses.

These ecological enhancements shall thereafter be retained.

Continued management of the site must take place to ensure remains unsuitable for reptiles and reptile habitat does not develop on-site.

Reason: In the interests of enhancing the ecological habitats on the site, in accordance with Policy ENV DM5 of the Arun Local Plan and Policy EH2 of the Aldingbourne NP.

- 16 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 but 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 amenity of existing neighbouring properties, the site biodiversity (particularly in respect of bats), the interests of minimising crime and to minimise unnecessary light spillage outside the development site in accordance with Policy QE SP1, Policy QE DM2 and Policy ENV DM5 of the Arun Local Plan and Policy H8, Policy EH2 and Policy EH10 of the Aldingbourne NP.

17

Prior to the occupation of the two dwellings hereby approved, the following noise mitigation measures should be implemented:

- The installation of enhanced double glazing (6/12/6.4 PVB) (29dB(A) in the ground floor kitchens and living areas and in the first floor bedroom windows on the southern elevations of the two houses; and

- The installation of acoustic trickle vents to ensure sufficient ventilation with a D(new) of 38 decibels in the first floor bedroom windows on the southern elevations of the two houses.

Reason: To avoid unacceptable high levels of noise from the railway line and in the interests of residential amenity, in accordance with Policy D DM1 and Policy QE DM1 of the Arun Local Plan and Policy H7 of the Aldingbourne NP. It is considered necessary for this to be a pre-occupation condition to ensure the agreed acoustic mitigation measures are implemented prior to the residents moving into the new dwellings.

INFORMATIVE: The applicant is advised to contact the proprietor of the private lane to obtain formal approval to carry out the site access works.

INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk

INFORMATIVE: No development or new tree planting should be located within 3 metres either side of the external edge of the public sewer and all existing infrastructure should be protected during the course of construction works.

INFORMATIVE: No new soakaways should be located within 5 metres of a public sewer.

INFORMATIVE: 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).

INFORMATIVE: This planning permission could not be lawfully implemented until the Section 106 Agreement is discharged. Following the granting of planning permission for residential development on the site, the land that is subject to the S106 Agreement will no longer serve a 'useful planning purpose'.

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.

Case Officer: Michael Eastham

Date of Decision:

7 February 2019

Neil Crowther
Group Head of Planning

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