

DECISION NOTICE

Application Ref: AL/3/19/PL

1 To Addressee

Vail Williams LLP
Savannah House
3 Ocean Way
Southampton
SO14 3TJ

2 Site Address

Nyton Nursery
Nyton Road
Westergate
PO20 3UQ

3 Description of Development

Residential development of 68 No. dwellings (net increase of 23 over current consent AL/102/17/RES) including 30% affordable housing (7 units) with associated access, public open space & landscaping.

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 compliance with the following conditions and Section 106 Agreement.

- 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 - NNRP-MCB-ZZ-ZZ-DR-Z-0200-D5-P3
- Site Layout Plan - NNRP-MCB-ZZ-ZZ-DR-A-0230-P8
- External Materials and Boundary Treatments Plan - NNRP-MCB-ZZ-ZZ-DR-A-0231-P5
- Surface Materials Plan - NNRP-MCB-ZZ-ZZ-DR-A-0232-P5
- Affordable Tenure Plan - NNRP-MCB-ZZ-ZZ-DR-A-0233-P5
- Parking Strategy Plan - NNRP-MCB-ZZ-ZZ-DR-A-0234-P5
- Refuse Management Plan - NNRP-MCB-ZZ-ZZ-DR-A-0235-P5
- Site Layout Plan (Wider Context) - NNRP-MCB-ZZ-ZZ-DR-A-P2
- Illustrative Streetscenes - NNRP-MCB-ZZ-ZZ-DR-A-0260-P4

- PA34 & PT36 - NNRP-MCB-ZZ-ZZ-DR-A-0105-P2
- PA34 Pair - NNRP-MCB-ZZ-ZZ-DR-A-0106-P2
- PA34 Triple - NNRP-MCB-ZZ-ZZ-DR-A-0107-P1
- PA34 Triple Elevations - NNRP-MCB-ZZ-ZZ-DR-A-0108 -P1
- NA21 - NNRP-MCB-ZZ-ZZ-DR-A-0109-P2
- PT36 - NNRP-MCB-ZZ-ZZ-DR-A-0110-P2
- PT36 - NNRP-MCB-ZZ-ZZ-DR-A-0111-P3
- PT37 - NNRP-MCB-ZZ-ZZ-DR-A-0112-P4
- PT37 - NNRP-MCB-ZZ-ZZ-DR-A-0113-P4
- PT37 - NNRP-MCB-ZZ-ZZ-DR-A-0114-P4
- NA42 - NNRP-MCB-ZZ-ZZ-DR-A-0115-P3
- NA42 Pair - NNRP-MCB-ZZ-ZZ-DR-A-0116-P2
- NA42 Pair Elevations - NNRP-MCB-ZZ-ZZ-DR-A-0117-P2
- NT40 - NNRP-MCB-ZZ-ZZ-DR-A-0118-P3
- NT40 - NNRP-MCB-ZZ-ZZ-DR-A-0119-P3
- NA44 - NNRP-MCB-ZZ-ZZ-DR-A-0120-P3
- NA44 - NNRP-MCB-ZZ-ZZ-DR-A-0121-P1
- NT41 - NNRP-MCB-ZZ-ZZ-DR-A-0122-P2
- NA32 Pair - NNRP-MCB-ZZ-ZZ-DR-A-0123-P1
- NA32 Pair Elevations - NNRP-MCB-ZZ-ZZ-DR-A-0124-P1
- NA32 Triple - NNRP-MCB-ZZ-ZZ-DR-A-0125-P1
- NA32 Triple Elevations - NNRP-MCB-ZZ-ZZ-DR-A-P1
- NT41 (Tile hanging) - NNRP-MCB-ZZ-ZZ-DR-A-0127-P1
- NA42 Elevations - NNRP-MCB-ZZ-ZZ-DR-A-0128-P1
- NA42 (Front Gable) - NNRP-MCB-ZZ-ZZ-DR-A-0129-P1
- NA30 Pair - NNRP-MCB-ZZ-ZZ-DR-A-0130-P2
- NA30 Triple - NNRP-MCB-ZZ-ZZ-DR-A-P2
- NA30 Triple Elevation - NNRP-MCB-ZZ-ZZ-DR-A-0132-P2
- Single Garage - NNRP-MCB-ZZ-ZZ-DR-A-0150-P1
- Single Garage Side Gable - NNRP-MCB-ZZ-ZZ-DR-A-0151-P1
- Double Garage Two Owners - NNRP-MCB-ZZ-ZZ-DR-A-0152-P1
- Substation - NNRP-MCB-ZZ-ZZ-DR-A-0153-P1
- Garage and Car Barn - NNRP-MCB-ZZ-ZZ-DR-A-0154-P1
- External Works Layout Sheet 1 - 5655:40 Rev E
- External Layout Sheet 2 - 5655:41 Rev E

The following plans are approved in so far as they relate to foul drainage only:

- Engineering Layout Sheet 1 - 5655:01 Rev T
- Engineering Layout Sheet 2 - 5655:02 Rev T

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 dwelling shall be first occupied until the car parking serving the respective dwelling has been constructed in accordance with the approved site plan. Once provided the spaces shall thereafter be retained at all times for their designated purpose.

Reason: To ensure that adequate car parking provision is available on site to serve the needs of the development in accordance with policy T SP1(d) of the Arun Local Plan.

- 4 No dwelling shall be first occupied until covered and secure cycle parking spaces serving the respective dwelling have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

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

- 5 Prior to the occupation of any dwelling hereby approved a Soft Landscaping Plan and Landscape and Ecology Management Plan (LEMP) shall be submitted and approved by the Local Planning Authority providing details for the on-going management and aftercare of the site once construction is completed.

Reason: In the interests of amenity and of the environment of the development in accordance with policy D DM1 of the Arun Local Plan.

- 6 The implementation and enhancement strategy for bats shall be implemented and maintained in accordance with the details specific within the 'Updated Bat Survey (August 2017), Ecological Enhancement Plan 31/05/2019 and Updated Phase1 Habitat Survey - August 2017'.

Reason: This condition is necessary to ensure the protection of bats and supporting habitat in accordance with Policy ENV SP1 and ENV DM5 of the Arun Local Plan.

- 7 Prior to the occupation of any dwelling hereby approved, a scheme for external lighting for that phase shall be submitted and approved in writing by the Local Planning Authority. The scheme shall ensure that the lighting is sensitive to bats by minimising the lighting of the woodland along the northern and western boundaries and shall comply with Institution of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light, Obtrusive Light Limitations for Exterior Lighting Installations for Zone E2.

Reason: To control the residential amenities of the local environment in accordance with Policies D DM1 and QE DM2 of the Arun Local Plan.

- 8 The mitigation strategy for dormice shall be implemented and maintained in accordance with the details specified within the 'Dormouse Mitigation Strategy (September 2017)'.

Reason: This condition is necessary to ensure the protection of dormice and supporting habitat in accordance with Policy ENV SP1 and ENV DM5 of the Arun Local Plan.

- 9 The protection, mitigation and enhancement measures set out on the Ecological Enhancement Plan (dated 31/05/2019) and within the Updated Phase 1 Habitat Survey - August 2017 shall be implemented and maintained.

Reason: To ensure the protection of wildlife and supporting habitat in accordance with policy ENV SP1 and ENV DM5 of the Arun Local Plan.

- 10 Development shall not commence for any dwelling hereby approved, until such time as a Construction Management Plan shall be submitted for approval in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period of that phase. 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,
- Full details of the construction compound,
- Soil resources plan,
- Dust mitigation measures,
- Noise reduction measures,
- 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 effective 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),
- 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 D DM1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because of the safety and amenity issues that need to be addressed.

- 11 During the construction phase no machinery/vehicles or plant shall be operated on the site, no process shall be carried out and no deliveries taken at or dispatched except between the hours of:

8.00 a.m. and 6.00 p.m. on Mondays to Fridays inclusive

9.00 a.m. and 1.00 p.m. on Saturday

Not at any time on Sundays or Public Holidays

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

- 12 No raw materials, finished or unfinished products or parts, crates, packing materials or waste shall be stacked or stored on the site except within the storage areas identified in the Construction Management Plan at any time approved by the Local Planning Authority.

Reason: To safeguard the amenities of neighbouring properties in accordance with Policy D DM1 of the Arun Local Plan.

- 13 Prior to commencement of development for the dwellings hereby approved the applicant shall prepare and submit for approval an Employment and Skills Plan for the construction of each phase of the development. Following approval of the Employment and Skills Plan the developer will implement and promote the objectives of the approved plan.

Reason: In accordance with Policy SKILLS SP1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition to as it relates to the construction phase of development.

- 14 Development shall not commence for any dwelling hereby approved, until such time as a strategy for the provision or facilitation of broadband provision to future occupants of the site in that phase shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall seek to ensure that upon occupation of a dwelling hereby approved, either a landline or ducting to facilitate the provision of a broadband service to that dwelling from a site-wide network, is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway. Unless evidence is put forward and agreed in writing by the Local Planning Authority that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure, the development of the site shall be carried out in accordance with the approved strategy.

Reason: To ensure that the needs of future residents to connect to the internet does not necessarily entail engineering works to an otherwise finished and high quality living environment in accordance with Policy TEL SP1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because the provision of broadband needs to be incorporated into the design for the site.

- 15 Development shall not commence for any dwelling hereby approved, until such time as an Electric Vehicle Charging Strategy will be submitted to and approved by the Local Planning Authority. The Electric Vehicle Charging Strategy shall identify the nature, form and location of electric charging infrastructure to be provided across the development. The electric vehicle strategy shall then be

implemented in accordance with the approved details and maintained in perpetuity.

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 D DM1 and Policy QE DM3 (c) of the Arun Local Plan and the NPPF. It is considered necessary for this to be a pre-commencement condition to ensure that the requisite charging infrastructure is designed into the housing development and it is implemented.

- 16 At least 10% of the total predicted energy requirements for the development (taking into account energy efficiency measures) will be generated through renewable or low carbon energy generation on site. The Local Planning Authority will consider 'allowable solutions' where it is clearly demonstrated that the provision of on-site renewable or low carbon energy generation is unviable or not feasible and where equivalent energy savings can be demonstrated.

Details and a timetable of how this is to be achieved for the development hereby approved, including details of physical works on site, shall be submitted to and approved in writing by the Local Planning Authority before development of the dwellings hereby approved commences. The development shall be implemented in accordance with the approved details and timetable and will be retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to secure on site renewable energy in accordance with national planning policy, in accordance with policy ECC SP2 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition to ensure that the requisite infrastructure is designed into the housing development.

- 17 In the event that contamination is found at any time during the carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. All works must stop immediately and an investigation and risk assessment must be undertaken in accordance with the requirements of the local authority contaminated land officer. Where remediation is necessary, remediation scheme must be prepared in accordance with the local authority contaminated land officer guidance and which is subject to approval in writing of the Local Planning Authority.

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 policy QE DM4 of the Arun Local Plan.

- 18 Immediately following implementation of the approved surface water drainage system and 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 that confirms that the scheme was built in accordance with the approved drawing/s. The scheme shall thereafter be maintained in perpetuity.

Reason : To ensure that the proposed development is satisfactorily drained in accordance with policies W SP1,W DM1, W DM2 and W DM3 of the Arun Local Plan.

- 19 Development shall not commence for any dwelling hereby approved, other than works of site survey and investigation, 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, and the recommendations of the SuDS Manual produced by CIRIA. No building / No part of the extended 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 W SP1, W DM1, W DM2 and W DM3 of the Arun 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.

- 20 Development shall not commence for any dwelling hereby approved, until details have been submitted to and approved in writing by the Local Planning Authority for any proposals: to discharge flows to watercourses; or for the culverting, diversion, infilling or obstruction of any watercourse on or adjacent to the site. Any discharge to a watercourse must be at a rate no greater than the pre-development run-off values. No construction is permitted, which will restrict current and future land owners from undertaking their riparian maintenance responsibilities in respect to any watercourse or culvert on or adjacent to the site.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W DM1, W DM2 and W DM3 of the Arun Local Plan. And to ensure that the duties and responsibilities, as required under the Land Drainage Act 1991, and amended by the Flood and Water Management Act 2010, can be fulfilled without additional impediment following the development completion. It is considered necessary for this to be a pre-commencement condition to protect existing watercourses prior to the construction commencing.

- 21 Development shall not commence for any dwelling hereby approved, until full details of the maintenance and management of the surface water drainage system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include details of financial management and arrangements for the replacement of major components at the end of the manufacturer's recommended design life. Upon completed construction of the surface water drainage system, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W DM1, W DM2 and W DM3 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition to ensure that the future maintenance and funding arrangements for the surface water disposal scheme are agreed before construction commences.

INFORMATIVE: Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE365, 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 40% 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 regarding surface water drainage are located here <https://www.arun.gov.uk/surfacewater> on Arun District Councils website. A surface water drainage checklist is available here <https://www.arun.gov.uk/drainagechecklist> on Arun District Councils website, this should be submitted with a Discharge of Conditions Application.

INFORMATIVE: Under Section 23 of the Land Drainage Act 1991 Land Drainage Consent must be sought from the Lead Local Flood Authority (West Sussex County Council), or its agent (Arun District Council

land.drainage@arun.gov.uk), prior to starting any works (temporary or permanent) that affect the flow of water in an ordinary watercourse. Such works may include culverting, channel diversion, discharge of flows, connections, headwalls and the installation of trash screens.

The development layout must take account of any existing watercourses (open or culverted) to ensure that future access for maintenance is not restricted. No development is permitted within 3m of the bank of an ordinary watercourse, or 3m of a culverted ordinary watercourse.

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. Please read our New Connections Services Charging Arrangements documents which is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructurecharges>.

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.



Neil Crowther
Group Head of Planning

Case Officer: Claire Potts

Decision Issued: **29th November 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).