



Town & Country Planning Act 1990 (as amended)
Town and Country Planning (Development Management
Procedure) (England) Order 2010 (as amended)
Application for Planning Permission
DECISION NOTICE

Application Ref: AL/95/13/

1 To Addressee

Mr Tim Rodway
 Rodway Planning Consultancy
 9 Riverside
 Shoreham-by-Sea
 West Sussex
 BN43 5RU

2 Site Address

Land west of Oaktrees
 Fontwell Avenue

 PO20 3RU

3 Description of Development

Outline planning application for 3 no. detached houses with garaging - This is a Departure from the Development Plan

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 conditions specified below.

- 1 The development hereby permitted shall be begun either before the expiration of 5 years from the date of this permission, or before expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

- 2 The permission hereby granted is an outline permission under Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995 and an application for the approval of the Local Planning Authority to the following matters must be made not later than the expiration of 3 years beginning with the date of this permission:-

- (a) Scale;
- (b) Appearance; and
- (c) Landscaping.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

- 3 The development hereby approved shall be carried out in accordance with the following approved plans:

SITE LAYOUT PLAN 12435/02 A;
STREET SCENE 12435/05;
ELEVATIONS 12435/03;
FLOOR PLANS 12435/03; and
THE LOCATION PLAN.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with GEN7 of the Arun District Local Plan.

- 4 Development shall not begin until a scheme for protecting the proposed dwellings from noise from A29 road traffic and noise from the scrapyard to the West has been submitted and approved by the Local Planning Authority. Any works which form part of the scheme approved by the Authority shall be completed prior to the occupation of any of the dwellings. The noise protection measures shall be retained thereafter.

Reason: To safeguard the amenities of residents in accordance with Arun District Local Plan policies GEN7 and GEN32.

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Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1. A preliminary risk assessment which has identified:

- * all previous uses
- * potential contaminants associated with those uses
- * a conceptual model of the site indicating sources, pathways and receptors
- * potentially unacceptable risks arising from contamination at the site;

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site;

3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken; and

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

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 Local Plan policies GEN7 and GEN31.

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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 policies GEN7 and GEN31.

- 7 Prior to occupation of any part of the approved development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.
- Reason: To protect the environment and prevent harm to human health by ensuring that the remediated site has been reclaimed in an appropriate standard in accordance with Arun District Local Plan policies GEN7 and GEN31.
- 8 The proposed buildings shall be built with a finished floor level of no lower than 13.5m above Ordnance Datum (AOD).
- Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with guidance contained within the National Planning Policy Framework and in accordance with Arun District Council's Saved Policies GEN1, GEN3 and GEN11.
- 9 No development or new tree planting should be located within 3 metres either side of the centreline of a public sewer and all existing sewer infrastructure shall be protected during the course of construction works.
- Reason: In the interests of protecting the existing public sewer and in accordance with Arun District Local Plan policy GEN9.
- 10 No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the approved drawing Ref 12435/02 Rev A. The access shall be retained thereafter as per the approved details.
- Reason: In the interests of road safety in accordance with Policy GEN7 of the Arun District Local Plan.
- 11 No part of the development shall be first occupied until visibility splays of 2.4m x 70m to the north and 2.4m x 59m to the south have been provided at the proposed site vehicular access onto the A29 Fontwell Avenue in accordance with the approved planning drawing Ref 12435/02 Rev A. Once provided, the splays shall thereafter be maintained in perpetuity and kept free of all obstructions over a height of 0.6m above the adjoining carriageway level or as otherwise agreed.
- Reason: In the interests of road safety in accordance with Policy GEN7 of the Arun District Local Plan.
- 12 No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved drawing Ref 12435/02 Rev A. The parking spaces and turning areas 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 GEN7 of the Arun District Local Plan.

- 13 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority.
- Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies and Policy GEN7 of the Arun District Local Plan.
- 14 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.
- Reason : To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan.
- 15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, no windows or other openings (other than those shown on the plans hereby approved) shall be formed in the flank walls of the new dwellings without the prior permission of the Local Planning Authority on an application in that behalf.
- Reason: To protect the amenities of adjoining residential properties in accordance with policy GEN7 of the Arun District Local Plan.
- 16 The first floor bathroom window on the southwest facing flank wall of the dwelling closest to Oaktrees shall at all times be glazed with obscured glass and fixed to be permanently non-opening.
- Reason: To protect the amenities and privacy of the adjacent property, Oaktrees particularly in respect of its northeast facing first floor flank bedroom window in accordance with policy GEN7 of the Arun District Local Plan.
- 17 Details for the storage of domestic rubbish and recycling within the individual plots shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.
- Reason: To protect the amenities of nearby residents in accordance with Arun District Local Plan policy GEN7.

INFORMATIVE: Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. 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.

INFORMATIVE: The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the works within the public highway. The applicant is requested to contact The Implementation Team Leader, West Sussex County Council, County Hall, Chichester, West Sussex, PO19 1RQ. (Tel no. 01243 642105).

INFORMATIVE: The applicant should note the Parish Councils comments with respect to a future reserved matters submission, as follows:

(1) It is noted that the visibility splay at the site entrance will result in substantial removal of the existing vegetation/hedgerow along the frontage of Fontwell Avenue. It is considered that a suitable landscape scheme of native trees and hedgerow shrubs should be implemented in the land between the internal estate road and Fontwell Avenue to replace existing vegetation to be removed, provide appropriate screening and maintain a rural edge to Fontwell Avenue; and

(2) Consideration should be given to extend the footpath at the northern site entrance southward along Fontwell Avenue for the length of the site to provide greater potential for pedestrian access to local shops and services at Eastergate Square. It is acknowledged that the current grass verge is quite narrow, however as much of the existing vegetation will need to be removed due to the visibility splay there is potential to install a footpath and provide replacement planting further into the site.

INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel 033 0303 0119) or www.southernwater.co.uk.

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 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 available for information. Any discharge of surface water/treated effluent to the watercourse must be restricted to greenfield runoff rates. The flow from the package treatment plant should be estimated from ALL properties connecting into it. The Environment Agency should be consulted as they would have to permit the discharge of treated effluent. The ditch systems must be maintained and the upgraded culvert at the access will require consent from us. Detailed design of the culvert should be provided.

INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to the payment of ?6,624 towards off-site affordable housing provision.



Karl Roberts
Assistant Director Planning & Economic Regeneration

Case Officer: Mr S Davis

Date of Decision:

25 April 2014

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

NOTES RELATING TO PLANNING APPLICATION
TOWN AND COUNTRY PLANNING ACT 1990
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 First 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 your local planning authority's decision on your application, 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 your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months of the date of this notice, whichever period expires earlier.

For all other cases, if you want to appeal, then you must do so within 6 months of the date of this notice using a form which you can get from the Secretary of State at the Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or on line at www.planningportal.gov.uk/pcs

If this decision is a refusal relating to a minor commercial development, where the application was made on or after 1 October 2013, please note that you must appeal within 12 weeks of the date of this notice. For a definition of minor commercial development please refer to The Town and Country Planning (Appeals) (Written Representations Procedure and Advertisements) (England) (Amendment) Regulations 2013 or contact this office for clarification.

The Secretary of State can allow a longer period for giving notice of an appeal, but he 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 him 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.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

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).