



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: AW/155/17/PL

1 To Addressee

The Seaman Partnership Ltd
Unit 2
Martins Barn
Birdham Road
Chichester
PO20 7BX

2 Site Address

Land to the side of Brus Lodge
28 Kingsway

PO21 4DH

3 Description of Development

Erection of 1No. detached dwelling. This application affects the character and appearance of Craigweil House Aldwick Conservation area

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:

- * "Location Plan" dwg. TSP 481 PL20 Rev A;
- * "Block Plan" dwg. TSP 481 PL21 Rev B;
- * "Proposed Site Plan" (inc comparison with original submission) dwg. TSP 481 PL22 Rev C;
- * "Proposed Site Plan" (inc comparison with AW/367/15/PL submission) dwg. 481 PL28;
- * "Proposed Ground/First Floor Layouts" dwg. TSP 481 PL23 Rev B;
- * "Proposed Second Floor Layout & Roof Plan" dwg. TSP 481 PL24 Rev A;
- * "Proposed Elevations 1 (North & East)" dwg. TSP 481 PL26 Rev C;
- * "Sketch Elevations 2 (South & West)" dwg. TSP 481 PL27 Rev A;
- * "Existing & Proposed Street Elevation" dwg. TSP 481 PL25 Rev B;
- * "Tree Constraints Plan" dwg. LLD856/01 Rev 03; and
- * "Tree Retention and Protection" dwg. LLD856/02 Rev 03.

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

- 3 All demolition & construction works are to be carried out in strict accordance with the submitted "Tree Retention and Protection Plan" dwg. LLD856 02 Rev 03 and the "Existing Tree Schedule and Schedule of Tree Works" (18 September 2017) Ref: LLD856 Rev 04.

Reason: To comply with BS5837 and the National Planning Policy Framework 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.

- 4 Development shall not commence unless and until details of the proposed means of foul and surface water sewerage disposal has been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water. The scheme as approved shall be implemented prior to the first occupation of the dwellings and maintained in good working order.

Reason: To ensure that the proposed development has a satisfactory means of disposing of foul & surface water sewerage in accordance with policy GEN9 of the Arun District Council Local Plan. This is required to be a pre-commencement condition because it is necessary to agree the foul sewerage system prior to commencing any building works.

- 5 Development shall not commence until full details of the proposed measures to be undertaken to protect the existing public sewer shown to be crossing the site have been submitted and approved in writing by the Local Planning Authority (in conjunction with Southern Water). The dwelling shall not be occupied until the measures in respect of protecting the sewers have been completed in accordance with the agreed details.

Reason: To ensure that the proposed development does not result in any damage to the existing foul sewer in accordance with policy GEN9 of the Arun District Council Local Plan. This is required to be a pre-commencement condition because it is necessary to investigate the presence of sewers and ensure that these are protected prior to commencing any building works.

- 6 No development above damp proof course (DPC) level shall be carried out unless and until a schedule of materials and finishes and samples of such materials and finishes to be used for external walls, window frames and roofs of the proposed house have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policies GEN7, AREA1 & AREA2 of the Arun District Local Plan.

- 7 No development above damp proof course (DPC) level shall take place until details of the proposed new boundary walls and/or fences to the northern and eastern boundaries have been submitted to and approved by the Local Planning Authority and the dwelling shall not be occupied until such new boundary walls and/or fences associated with it have been erected.

Reason: In the interests of amenity in accordance with policies GEN7, AREA1 & AREA2 of the Arun District Local Plan.

- 8 The approved dwelling shall not be occupied until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme including details of hard and soft landscaping and details of existing trees and hedgerows to be retained, together with measures for their protection during the course of the development. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the occupation of the building or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of 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, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and of the environment of the development in accordance with policies GEN7, AREA1 & AREA2 of the Arun District Local Plan.

- 9 Before the dwelling hereby permitted is occupied, waste & recycling bin enclosures shall be provided as part of the development in accordance with detailed drawings to be submitted to and approved in writing by the Local Planning Authority, such drawings to show the siting and design thereof. These enclosures shall thereafter be retained and maintained as fit for purpose.

Reason: To safeguard the appearance of the property and the amenities of the area in accordance with policies GEN7 of the Arun District Local Plan.

- 10 No part of the development shall be first occupied until the car parking and turning facilities for the new dwelling have been constructed in accordance with the approved site plan. These areas shall thereafter be retained at all times for their designated purpose.

Reason: To ensure that adequate and satisfactory provision is made for the accommodation of vehicles clear of the highways in accordance with policies GEN7 and GEN12 of the Arun District Local Plan and the National Planning Policy Framework.

- 11 The proposed integral garage shall be used only as private domestic garages for the parking of vehicles incidental to the use of the properties as dwellings and for no other purposes.

Reason: To ensure that adequate and satisfactory provision is made for the accommodation of vehicles clear of the highways in accordance with policies GEN7 and GEN12 of the Arun District Local Plan and the National Planning Policy Framework.

- 12 The three first floor east and west facing flank en-suite bathroom windows shall at all times be glazed with obscured glass.

Reason: To protect the amenities and privacy of the adjacent properties in accordance with policy GEN7 of the Arun District Local Plan.

- 13 The two windows on the east and west facing roof planes shall at all times be glazed with obscured glass.

Reason: To protect the amenities and privacy of the adjacent properties in accordance with policy GEN7 of the Arun District Local Plan.

- 14 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order revoking or enacting that Order) no windows or other openings (other than those shown on the plans hereby approved) shall be formed in the western and eastern flank elevations of the building or the northern roof plane 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.

- 15 Notwithstanding the provisions of Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order) the building shall not be extended or altered in any way (other than in accordance with Classes G and H) and no 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 GEN7 of the Arun District Local Plan.

- 16 No removal of trees, shrubs or other vegetation that may contain birds' nests shall take place between 1st March and 31st August 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 policies GEN7 and GEN29 of the Arun District Local Plan.

- 17 The proposed access gates shall either open inwards into the site or be positioned at least 5m back from the edge of the highway in order that a vehicle may wait clear of the highway whilst the gates are being operated. No outward opening of any gates would be allowed.

Reason: To ensure that the use of the highway by persons and vehicles is not obstructed by waiting vehicles or open gates in accordance with policy GEN7 of the Arun District Local Plan 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 should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.

INFORMATIVE: This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0845 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.

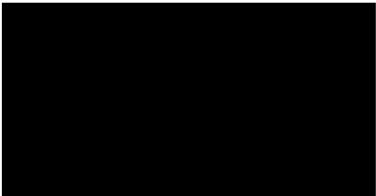
INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel 033 0303 0119) or www.southernwater.co.uk.

INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to a contribution of £871 towards the provision of accessible natural open green spaces to serve the Pagham area.

Case Officer: Mr S Davis

Date of Decision:

13 December 2017



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

