Town & Country Planning Act 1990 (as amended)
Town and Country Planning (Development Management Procedure) (England) Order 2015

Application Under Section 73 for the Removal or Variation of Conditions Under a Previously Approved Permission

# DECISION NOTICE

**Application Ref: A/36/24/S73**

1 **To Addressee**

Turley
The Pinnacle
20 Tudor Road
Reading
RG1 1NH

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2 **Site Address**

Land off Arundel Road
Angmering
BE16 4ET

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3 **Description of Development**

Variation of condition 1 following the grant of A/282/22/RES relating to approved plans.

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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 the following conditions.

1 The development hereby approved shall be carried out in accordance with the following approved plans and documents:

- 30598A_01 Site Location Plan Rev P1.
- 30598A_02 Existing Site Layout Plan Rev P1.
- 30598A_03 Existing Site Section AA - CC Rev P1.
- 30598A_04 Existing Site Section DD - FF Rev P1.
- 30598D_10 Proposed Site Layout Plan Rev P2.
- 30598D_11 Proposed Coloured Site Layout Plan Rev P3.
- 30598D_12 Proposed Parking Strategy Plan Rev P3.
- 30598D_13 Proposed Tenure Plan Rev P2.
- 30598D_14 Proposed Refuse Strategy Plan Rev P2.
- 30598D_15 Proposed Fire Strategy Plan Rev P2.
- 30598D_16 Proposed Primary Material Plan Rev P2.
- 30598D_17 Proposed Boundary Treatment Plan Rev P2.
- 30598D_18 Proposed Heights Plan Rev P2.
- 30598D_19 Proposed Interface Distance Plan Rev P2.
- 30598D_20 Proposed Distribution Plan Rev P2.

- 30598D_50 Proposed Street Elevations AA Rev P1.
- 30598D_51 Proposed Street Elevations BB Rev P1.
- 30598D_52 Proposed Street Elevations CC Rev P1.
- 30598D_53 Proposed Street Elevations DD & EE Rev P1.
- 30598D_54 Proposed Street Elevations FF Rev P2.
- 30598D_210 Harrogate Lifestyle Rev P1.
- 30598D_305 Hampstead Rev P1.
- 30598A_310 Harrogate Lifestyle Rev P2.
- 30598D_311 Harrogate I Rev P1.
- 30598D_312 Harrogate II Rev P1.
- 30598D_315 Henley Rev P1.
- 30598D_320 Leamington Lifestyle I Rev P1.
- 30598D_321 Leamington Lifestyle II Rev P1.
- 30598D_325 Leadsham Rev P1.
- 30598D_330 Letchworth Rev P1.
- 30598D_335 Marlow I Rev P1.
- 30598D_336 Marlow II Rev P1.
- 30598D_345 Oxford Lifestyle Rev P1.
- 30598D_350 Richmond Rev P1.
- 30598D_355 Shaftesbury I Rev P1.
- 30598D_356 Shaftesbury II Rev P1.
- 30598D_360 Stratford Lifestyle I Rev P1.
- 30598D_361 Stratford Lifestyle II Rev P1.
- 30598D_362 Stratford Lifestyle I Rev P1.
- 30598D_365 Warwick I Rev P1.
- 30598D_366 Warwick II Rev P1.
- 30598D_367 Warwick III Rev P1.
- 30598D_402 Maisonette + Tavy Rev P1.
- 30598D_403 Maisonette + Tavy Rev P1.
- 30598D_404 Tavy Semi Rev P1.
- 30598D_405 Tavy Terrace of 3 Rev P1.
- 30598D_410 Dart Semi Rev P1.
- 30598D_412 Dart Terrace of 4 Rev P1.
- 30598D_413 Dart Semi Rev P1.
- 30598D_414 Dart Terrace Rev P1.
- 30598D_415 Tweed Semi Rev P1.
- 30598D_500 Apartment Block A Plans Rev P3.
- 30598D_501 Apartment Block A Elevations Rev P3.
- 30598D_510 Apartment Block B Plans Rev P3.
- 30598D_511 Apartment Block B Elevations Rev P3.
- 30598D_520 Apartment Block C Plans Rev P3.
- 30598D_521 Apartment Block C Elevations Rev P1.
- 30598D_532 Double Garage 1 Floor Plans & Elevations
- 30598/D_531 Single Garage Floor Plans & Elevations Rev P1
- 30598D_533 Proposed Floor Plans & Elevations Double Garage 2 Plots 37 & 46.
- 30598D_535 Cycle and Bin Stores Floor Plan, Elevations, Roof Plan Rev P1.
- Design Code Compliance Statement (February 2024).
- Landscape Strategy 130 Rev J.
- Hard Landscape 230 D (but not in respect of the play provision shown).
- Planting Plan Public Open Space 530 Rev B.
- Soft Landscape Plan 1 of 7 541 Rev D
- Soft Landscape Plan 2 of 7 542 Rev D

- Soft Landscape Plan 3 of 7 543 Rev D
- Soft Landscape Plan 4 of 7 544 Rev D
- Soft Landscape Plan 5 of 7 545 Rev D
- Soft Landscape Plan 6 of 7 546 Rev D
- Soft Landscape Plan 7 of 7 547 Rev D
- Tree Removal & Protection Plan 723 Rev B.
- Highway Geometry and Visibility Splays C86473 JNP 66 XX DR T 7109 Rev P08.
- Refuse Vehicle Swept Path Analysis C86473 JNP 66 XX DR T 7110 Rev C03.
- Fire Tender Swept Path Analysis C86473 JNP 66 XX DR T 7111 Rev C02.
- Refuse Vehicle Swept Path Analysis C86473 JNP 66 XX DR T 7112 Rev C02.
- Refuse Vehicle Swept Path Analysis C86473 JNP 66 XX DR T 7113 Rev C04.
- Refuse Vehicle Swept Path Analysis C86473 JNP 66 XX DR T 7114 Rev C03.
- Fire Tender Swept Path Analysis C86473 JNP 66 XX DR T 7115 Rev C03.
- Fire Tender Swept Path Analysis C86473 JNP 66 XX DR T 7116 Rev C01.
- Phase 2 Ecology Survey Report ECO01659 (March 2023).
- Ecology Mitigation and Enhancement Plan ECO01659 Rev 09 (January 2024).
- Housing Mix Report (prepared by Stantec); and
- Arboricultural Impact Assessment (4th April 2023).

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies D DM1, D SP1, QE SP1 and T SP1 of the Arun Local Plan.

2 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Phase 2 Survey Report (RPS, March 2023, Ecological Mitigation and Enhancement Strategy (RPS, Rev A, March 2023), the "Ecology Constraints Plan and Report" (RPS, 02 Rev 05), and in particular the Figure 1 Ecological Mitigation and Enhancement Plan (within the March 23 Strategy); as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This may include the appointment of an appropriately competent person e.g., an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve and enhance protected and Priority species, in accordance with Arun Local Plan policy ENV DM5 and to allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

3 All works conducted on the site shall be in accordance with the Natural England licence dated 22/08/23 (as agreed through the discharge application A/205/23/DOC) which authorises actions concerning Hazel Dormouse capture/transportation and subsequent on-site habitat change. This licence is valid for the period 22/08/23 to 31/12/30.

Reason: To conserve protected species, in accordance with Arun Local Plan policy ENV DM5 and to allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s17 Crime & Disorder Act 1998.

4 The development shall proceed in full accordance with the 'statement of detail' and associated materials approved through application ref A/113/23/DOC on 23/06/23 and these details shall be permanently retained.

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

5 The development shall proceed in full accordance with the public play provision scheme as approved through application ref A/139/23/DOC on 11/08/23 and these details shall be permanently retained. The public play provision shall be implemented in accordance with the approved details prior to occupation of the 80th dwelling and permanently retained thereafter.

Reason: To ensure that play provision is in place for future residents in accordance with policies OSR DM1 and HWB SP1 of the Arun Local Plan.

6 The development shall proceed in full accordance with the boundary treatments approved through application ref A/113/23/DOC on 23/06/23 and no dwellings shall be occupied until such boundary treatments associated with them have been erected.

Reason: In the interests of amenity and of wildlife in accordance with policies D DM1 and ENV DM5 of the Arun Local Plan.

7 No dwelling shall be first occupied until the car parking spaces, garage spaces, roads, footways and turning facilities serving the respective dwellings have been constructed in accordance with the approved site plan. Once provided, the parking spaces shall not be used for any purpose other than for the parking of vehicles and the garages shall not be used for any purpose other than the parking of vehicles and for domestic storage unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: In the interests of ensuring sufficient vehicle parking and highway safety within the development in accordance with policy T SP1 of the Arun Local Plan.

8 A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the occupation of the development. The content of the LEMP shall include the following:

a) Description and evaluation of features to be managed.
b) Ecological trends and constraints on site that might influence management.
c) Aims and objectives of management.
d) Appropriate management options for achieving aims and objectives.
e) Prescriptions for management actions.
f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
g) Details of the body or organisation responsible for implementation of the plan; and
h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed, and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: In accordance with Arun Local Plan policy ENV DM5 and to allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

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 is advised of the requirement to enter into early discussions with and obtain the necessary licenses from the Highway Authority to cover any temporary construction related works that will obstruct or affect the normal operation of the public highway prior to any works commencing. These temporary works may include, the placing of skips or other materials within the highway, the temporary closure of on-street parking bays, the imposition of temporary parking restrictions requiring a Temporary Traffic Regulation Order, the erection of hoarding or scaffolding within the limits of the highway, the provision of cranes over-sailing the highway.

INFORMATIVE: The applicant is advised that any proposed structures on, under, above or adjacent to any roads, watercourses etc, are required to be subject to the Technical Approval process as specified within BD 2/12 of the Design Manual for Roads and Bridges. The applicant should contact the WSCC Structures Team to commence this process. The applicant should note that the failure to obtain technical approval may prevent the future adoption of the structure as part of the public highway or otherwise and as a consequence may incur additional works to bring the works up to a suitable standard.

INFORMATIVE: The submitted plans show tree planting close to water distribution mains. Southern Water has restrictions on proposed tree planting adjacent to sewers, rising mains or water mains and any such proposed assets in the vicinity of existing planting. Reference should be made to Southern Water's publication "A Guide to Tree Planting near water mains and sewers" and the Sewerage Sector Guidance with regards to any landscaping proposals and Southern Water restrictions and maintenance of tree planting adjacent to sewers, rising mains and water mains.

INFORMATIVE: The applicant is advised that the erection of temporary directional signage should be agreed with the Local Traffic Engineer prior to any signage being installed. The applicant should be aware that a charge will be applied for this service.

INFORMATIVE: The applicant is required to enter into a Section 59 Agreement under the 1980 Highways Act to cover the increase in extraordinary traffic that would result from construction vehicles and to enable the recovery of costs of any potential damage that may result to the public highway as a direct consequence of the construction traffic. The Applicant is advised to contact the Highway Officer (01243 642105) in order to commence this process. Note this is only required if HGV traffic exceeds 20 movements per working day.

INFORMATIVE: The applicant is required to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works if they affect the existing public highway. The applicant should contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

INFORMATIVE: The applicant is required to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the proposed adoptable on-site highway works. The applicant should to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that any works commenced prior to the S38 agreement being in place are undertaken at their own risk.

INFORMATIVE: In the interests of crime prevention and deterrence, the development should incorporate security measures in accordance with the consultation advice of Sussex Police received in relation to application A/282/22/RES (dated 23/01/23) as available on the Councils website.

INFORMATIVE: This permission does not formally discharge any of the conditions that require the submission of details for approval in writing as imposed on the outline planning permission and separate applications will be required. Please also note that this layout has been approved without agreement of the council's drainage engineers and therefore if it subsequently becomes clear that the drainage conditions cannot be agreed due to the layout not providing sufficient space for drainage then a new reserved matters

application will need to be submitted as the Local Planning Authority will not be able to agree such changes through the Non-Material Amendment process. Please also note that any future submission to seek a discharge of the drainage conditions must be accompanied by full details in accordance with the guidance and checklist here https://www.arun.gov.uk/surfacewater.



Neil Crowther
Group Head of Planning

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| Case Officer: | Mr S Davis | Arun District Council<br>The Arun Civic Centre |
| Decision Issued: | 30th May 2024 | Maltravers Road<br>Littlehampton<br>West Sussex BN17 5LF |

IT IS IMPORTANT THAT YOU READ THE NOTES ATTACHED TO THIS DOCUMENT

APPEALS TO THE SECRETARY OF STATE s73

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 6 months 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.

If you intend to submit an appeal that you would like examined by inquiry then you must send notice to the Local Planning Authority and Planning Inspectorate(inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details can be found at www.GOV.uk

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).