



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: BE/131/18/PL

1 To Addressee

ECE Planning Limited
 Brooklyn Chambers
 11 Goring Road
 Worthing
 West Sussex
 BN12 4AP

2 Site Address

The Cottage
 Shripney Road

 PO22 9PA

3 Description of Development

Variation of conditions following the grant of BE/63/17/OUT relating to conditions 3-approved plans, 6-distinguish between the two phases of development so protective fencing for whole site is not required for just Phase 1 & any fencing is commensurate with phase of development being constructed, 7-Phase 1 can commence prior to construction of new vehicular access, 8-Phase 1 can commence prior to submission of plans & details incorporating the recommendations of the Road Safety Audit, 9-winter groundwater monitoring is only required for development on Phase 2, 10-refer to development on Phase 2 only as development on Phase 1 will not result in the discharge of any flows to watercourses or culverting, diversion, infilling or obstruction of any watercourse on site, 11-level of detail required regarding maintenance & management of SuDS system is commensurate with the relevant phase of development, 12-only refer to development on Phase 2, 14-SuDS management manual is submitted to local planning authority prior to construction of Phase 2 only, 15-Phase 1 can be occupied prior to construction of pedestrian access footways/crossing points, 16-Phase 1 development can be occupied prior to provision of visibility splays at proposed site vehicular access, 17-Phase 1 dwelling can be occupied prior to required installation of electric vehicle charging points & 18-allow development on Phase 1 to be occupied prior to implementation of SuDS scheme for the whole development (Phase 1 & 2) & prior to provision of as-built drawings & completion report.

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 permission hereby granted is an outline permission under s92 of the Town and Country Planning Act 1990 (as amended) and an application for the approval of the Local Planning Authority to the following matters must be made not later than the expiration of 2 years beginning with the date of the planning permission under BE/63/17/OUT (18 January 2018).
 - (a) Layout;
 - (b) Scale;
 - (c) Appearance;
 - (d) 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).

- 2 The development hereby permitted shall be begun either before the expiration of 3 years from the date of the planning permission under BE/63/17/OUT (18 January 2018) 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).

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

Dwg. 334/P/01 Rev A "Site Location Plan";
 Dwg. 334/F/03 Rev C "Proposed Site Plan",
 Dwg P1549/PP/01 Rev A "Proposed Phasing Plan";
 Dwg. 160818-07 Rev A "Site Visibility";
 Dwg. 160818-06 Rev A "Proposed Footway Arrangement"; and
 Dwg. 160818-TK02 Rev A "Swept Path Analysis.

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

- 4 All demolition & construction works are to be carried out in strict accordance with:- Arboricultural Method Statement Report Ref: Arbortrack Systems Ltd. jwmb/rpt5/thecottage/PI and Tree Protection Plan ref: Rev D Sept 2017.

Reason: To comply with BS5837 and policy ENV DM4 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.

- 5 The development must be carried out in accordance with the recommendations and mitigation measures as set out within the 'Mitigation', 'Licence Application', 'Badgers', 'Reptiles', 'Other Species' and 'General Site Enhancements' sections (pages 33 to 41) of the Preliminary Ecological Appraisal (September 2016) - as amended/updated by the relevant sections of the Bat Activity Surveys Report (June 2017). The enhancements and mitigation measures shall be retained and thereafter maintained as fit for purpose.

Reason: In accordance with Arun Local Plan policy ENV DM5 and the National Planning Policy Framework.

- 6 The development of Phase 1 must be carried out in accordance with the approved Phase 1 surface water drainage scheme shown on drawing 1808/SK2 "Surface Water Drainage Layout" by Robert Clark Associates Ltd. The scheme must be implemented and fully operational prior to occupation of the new dwelling.

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.

- 7 Prior to any demolition or construction works or changes in site levels taking place or the introduction of machinery and plant to the site the following issues must be resolved to the complete satisfaction of Arun District Council :-

A pre-commencement site meeting for each phase of development is to take place between the Arun DC Tree Officer and the Arboricultural Consultant representing the site owners - at this meeting all protective fencing required for that phase of development will be inspected along with ground protection measures - they will be assessed to verify that they are 'Fit for Purpose' as required under British Standard 5837:2012 and have been erected and positioned exactly as shown on the Tree Protection Plan - Arbortrack Systems Ltd. Appendix A - Rev D Sept 2017.

A schedule of Site Monitoring/Supervision visits and Reporting Procedures prepared by an Arboricultural Expert will be required and their extent will be agreed on at the site meeting to satisfaction of the Arun DC Tree Officer.

If there is deemed to be a need for any Utility Service Route connections to bisect retained tree Root Protection Areas/Zones then prior to their installation a Method Statement prepared by an Arboricultural Expert must be submitted that stipulates how this can be achieved without adverse impact on tree roots. Written approval and confirmation of acceptance of this Methodology must be issued before any works are commenced out on site.

Reason: To comply with BS5837 and policy ENV DM4 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. This is required to be a pre-commencement condition because it is necessary to ensure the protection of the protected and otherwise significant trees prior to any change to the surface of the site.

- 8 No development excluding the access shall commence on Phase 2 until the vehicular access serving the proposed site has been constructed in accordance with the approved planning drawings 334/F/03 Rev C "Proposed Site Plan" 160818-07 Rev A "Site Visibility" & 160818-TK02 Rev A "Swept Path Analysis".

Reason: In the interests of road safety in accordance with policy T SP1 of the Arun Local Plan and the National Planning Policy Framework. This is required to be a pre-commencement condition because the access should be in place before the commencement of works to the site and because road safety is at the heart of a planning permission.

- 9 No development shall commence on Phase 2 until such time as plans and details incorporating the recommendations given in the Stage 1 Road Safety Audit and accepted in the Designers Response have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason: In the interests of road safety in accordance with policy T SP1 of the Arun Local Plan and the National Planning Policy Framework. It is considered necessary for this to be a pre-commencement condition because road safety is at the heart of a planning permission.

- 10 Development shall not commence until full details of the proposed surface water drainage scheme for Phase 2 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 groundwater levels and Percolation testing to BRE 365, or similar approved, will be required for development on Phase 2 to support the design of any Infiltration drainage.

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. It is considered necessary for this to be a pre-commencement condition because it would not be possible to implement a surface drainage scheme once development had commenced.

- 11 Development on Phase 2 shall not proceed until formal consent has been approved in writing from the Lead Local Flood Authority (WSCC) or its agent (ADC) for the discharge of any flows to watercourses, or the culverting, diversion, infilling or obstruction of any watercourse on the site.
- Any discharge to a watercourse must be at a rate no greater than the pre-development run off values.
- 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. It is considered necessary for this to be a pre-commencement condition because it would not be possible to implement a surface drainage scheme once development had commenced.
- 12 Development shall not commence on Phase 2 until full details of the maintenance and management of the SuDS system required for Phase 2 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 (a) details of financial management of the site including arrangements made in the event that the management company (or any subsequent management company) is no longer able to fulfil its duties; and (b) arrangements for the replacement of major components at the end of the manufacturers recommended design life.
- Reason: To ensure the efficient maintenance and on-going operation of the SuDS system 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.
- 13 The development layout on Phase 2 shall not be agreed until such time that arrangements for the future access and maintenance and maintenance of any watercourse or culvert (piped watercourse) crossing or abutting the site has been submitted and approved in writing by the Local Planning Authority.
- No construction is permitted, which will restrict current and future land owners from undertaking their riparian maintenance responsibilities of any watercourse on or adjacent to the site.
- Reason: 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 and 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 because surface water drainage goes to the heart of the planning permission.

- 14 Development shall not commence until a drainage strategy detailing the proposed means of foul disposal and a implementation timetable, has been submitted to and approved in writing by, the local planning authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable.
- Reason: To ensure that the proposed development has a satisfactory means of disposing of foul sewerage in accordance with policies W DM1 and W DM3 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because it would not be possible to implement a foul drainage scheme once development had been completed.
- 15 Upon completed construction of the SuDS System but prior to occupation of any part of the development on Phase 2, the owner or management company shall either provide the local planning authority with an updated copy of the management manual incorporating any changes as a result of construction/implementation or confirm in writing that no changes are required to the manual.
- No further changes shall be made to the approved SuDS Maintenance & Management Plan/Regime including the management company responsible or the financial arrangements between the owners of the dwellings & the management company other than with the written consent of the Local Planning Authority.
- The owner or management company shall thereafter strictly adhere to and implement the recommendations contained within the manual to ensure that the system is maintained in perpetuity.
- Reason: To ensure the efficient maintenance and on-going operation of the SuDS system and to ensure the best practice in line with guidance set out in 'The SuDS Manual' CIRIA publication ref: C753 Chapter 32 and in accordance with policies W DM1, W DM2 and W DM3 of the Arun Local Plan.
- 16 No part of the development on Phase 2 shall be first occupied until such time as the pedestrian access footways/crossing points on Shripney Road serving the development have been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority.
- Reason: In the interests of road safety in accordance with policy T SP1 of the Arun Local Plan and the National Planning Policy Framework.
- 17 No part of the development on Phase 2 shall first be occupied until visibility splays of 2.4 metres by 120 metres to the south and 2.4 metres by 71 metres to the north have been provided at the proposed site vehicular access onto Shripney Road, in accordance with the approved planning drawings. Once provided the splays shall therefore be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level.
- Reason: In the interests of road safety in accordance with policy T SP1 of the Arun Local Plan and the National Planning Policy Framework.

- 18 Prior to occupation of the dwelling on Phase 1, an electric vehicle charge point shall be installed to serve this dwelling. The charge point shall thereafter be permanently retained and maintained in good working condition.

Prior to occupation of any of the dwellings on Phase 2, a scheme for the provision of facilities to enable the charging of electric vehicles to serve the approved dwellings shall be submitted to the local planning authority for approval and thereafter implemented in accordance with the approved details and the charge points shall thereafter be permanently retained and maintained in good working condition.

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 QE DM3 (c) of the Arun Local Plan, the Arun District Council Electric Vehicle Infrastructure Study (November 2017) and the National Planning Policy Framework

- 19 Immediately following implementation of the approved SuDS scheme and prior to occupation of any part of the development on Phase 2, 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 and is fit for purpose. There shall be no deviation to the approved scheme other than with the written consent of the Local Planning Authority. The scheme shall thereafter be maintained in perpetuity.

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.

- 20 Should any sewer be found during construction works then all development activities shall cease and not recommence until full details of the proposed measures to be undertaken to protect the existing public sewer have been submitted and approved in writing by the local planning authority (in conjunction with Southern Water) and then implemented 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 policies W DM1 and W DM3 of the Arun Local Plan.

- 21 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 policies QE SP1, QE DM2 & ENV DM5 of the Arun Local Plan.

- 22 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 policy ENV DM5 of the Arun Local Plan.

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: This decision has been granted in conjunction with a Deed of Variation which relates to the phasing of the development approved by BE/63/17/OUT and makes all financial obligations payable prior to the occupation of the second overall dwelling unit which will be the first in Phase 2), therefore allowing the works to be carried out on Phase 1 and the Phase 1 dwelling unit to be occupied without payment of any financial obligations. The deed of variation also amends the original Section 106 agreement to include the Section 73 permission under reference BE/131/18 and it discharges the Unilateral Undertaking of 13th December 2017 in respect of the NHS Contribution on the basis that the obligation is inserted in the original Section 106 agreement by this Deed of Variation.

INFORMATIVE: Drainage Engineers advise that 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 also available on request.

INFORMATIVE: The emerging landscape design aims should be:

- To design and implement a scheme that reflects and incorporates elements of its surroundings and enhances the atmosphere of local distinctiveness;
- To create a visually pleasing and interesting landscape for owners, employees and visitors to the development;
- To enhance the landscape quality of the site when viewed from the surrounding area;
- To provide a planting scheme that includes native species to blend with the surrounding location, enhance biodiversity and create enhanced wildlife corridor opportunity; and
- To provide a sense of flow and cohesion between the different elements of the landscape, buildings, open areas and surrounding environment.

The provision of landscaping for the development must be conditioned with any permission. Some indicative landscaping particularly trees detailed have been illustrated with the masterplan. Forming part of any decision consideration or as a minimum reserved matters a full landscape scheme should be submitted for approval, detailing species choice, position, densities and size at time of planting.

This should be plotted in plan and list form and in relation to the trees and vegetation to be retained in the locale, so that a clear picture of the proposals can be seen. These details are required to assure the adjacent land setting is maintained, the setting is uncompromised and the proposals are appropriate to its setting. The landscape scheme should maximise the biodiversity of the site with the inclusion of native species and the retention of a variety of habitats. The long term management of the developing landscape would need to be considered.

INFORMATIVE: Please note the comments of Sussex Police:

The existing public footpath provides access to the rear of 6 houses. As this path is unavoidable, it should be as wide as possible, adequately lit, as straight as possible, devoid of potential hiding places and overlooked by surrounding dwellings.

The flatted building should be provided with lockable gates and fencing to the sides to remove easy access to the vulnerable ground floor windows and the cycle store. Consideration could be given to the relocation of the cycle store from its present location to the front of the block adjacent to the refuse store. This would enable the store to have natural surveillance over it as well as observation from active rooms from within the flats. It will make accessing the cycles easier for the residents by being at the front of the block.

INFORMATIVE: Should any protected species or evidence of any protected species be found prior to or during the development, all works must stop immediately and an ecological consultant or Chichester District Council's ecologist contacted for further advice before works can proceed. All contractors working on site should be made aware of this advice and provided with the contact details of a relevant ecological consultant.

INFORMATIVE: Existing surface water flow paths across the site must be maintained. A wholesale site level rise via the spreading of excavated material should be avoided and therefore any excavated material kept on site should be located in areas designed and designated for that purpose. This is in accordance with the National Planning Policy Framework paragraph 103.

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)

or building(s) for which work is planned, you should take further advice and apply for a licence from Natural England before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.



Neil Crowther
Group Head of Planning

Case Officer: Mr S Davis

Date of Decision:

29 April 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