TOWN AND COUNTRY PLANNING ACT 1990

ARUN DISTRICT COUNCIL

DECISION NOTICE

Application Ref: BE/23/08/

1 **To Addressee**

Mr I Sowerby
Bell Cornwall
Oakview House
Station Road
Hook
RG27 9TP

2 **Site Address**

Site 6 (Berkeley Phases 2 & 3)
Chichester Road
North Bersted

3 **Description of Development**

Approval of reserved matters for phases 2 & 3 comprising 181 dwellings, including details of related drainage, open space, landscaping & play area pursuant to outline planning permission BE/45/04

4 Approval of reserved matters following outline approval.

In pursuance of their powers under this Act and related Orders and Regulations the Council APPROVE The Reserved Matters of the development to be carried out in accordance with the application and plan and subject to compliance with the conditions specified.

CONDITION 1 This permission shall relate the provision of not more than 181 dwellings, which comprise phases 2 & 3.

Reason. In the interests of clarity and because other phases are illustrated in application documents but do not form part of the current application.

CONDITION 2 This approval shall include the amended drawings numbered 1559-C-1005-X, 1559-3256-E, 1559-3280-A, & 1559-3281-A which were received by the Local Planning Authority on 18th April 2008 and 1559-A-1007-Z11 received on 19th September 2008.

Reason. In the interests of clarity and to reflect the minor amendments to the flatted blocks nos. 31 & 46 and the substation and garage designs, in acccordance with policy GEN7 of the Arun District Local Plan.

CONDITION 3 No development shall be carried out until details of boundary enclosures have been submitted to and approved in writing by the Local Planning Authority. This shall include the height, design and materials to be used together with a crime prevention statement explaining how boundaries and gates are designed to minimise risk of crime. the development shall be carried out in accordance with the details thus approved.

Reason. In the interests of visual amenity, the setting of the North Bersted Conservation Area and the interests of minimising risk of crime in accordance with policies GEN7, AREA2 & GEN18 of the Arun District Local Plan.

CONDITION 4 All garages, (including any integral garages), parking spaces and cycle parking facilities shall be provided in accordance with the approved plans prior to the occupation of the dwelling (s) which they are intended to serve. Thereafter they shall be permanently retained for vehicle and cycle parking purposes.

Reason. In the interests of highway safety and to ensure that facilities are provided and retained for a range of transport modes.

CONDITION 5 The ground floor level of all buildings on the site shall be at least 2.50 metres AOD.

Reason: In accordance with national Planning Policy Statement PPS25 - 'Development and Floodrisk, December 2006' and in accordance with policy ERA4 of the West Sussex Structure Plan and GEN11 & SITE6 of the Arun District Local Plan, to control floodrisk.

CONDITION 6 The ground floor levels of dwellings at plots 211 - 219, 252 - 257, 258 - 267 (Block 46) and 268 - 271 (Block 45), shall not exceed 150mm above existing ground level, unless the Local Planning Authority gives prior written approval for any variation.

Reason. Particular control is required as increases in levels may affect the amenities of existing neighbouring properties. To accord with policy GEN7 of the Arun District Local Plan.

CONDITION 7 The Construction Environmental Management Plan (CEMP) submitted to the Local planning Authority on 28th January 2008 shall be adhered to in the development hereby approved, and this shall include the undertaking of risk assessments as detailed construction methods become known, and the production of method statements to be developed to control the risks identified. These assessments and method statements shall be made available to the Local Planning Authority at any time on its request. Should the Authority not agree with any such risk assessment or method statement, then it shall be revised and represented to the Authority for its written approval.

Reason. In accordance with the Environmental Statement which formed part of the outline approval, to control the impact of development during the construction phase.

CONDITION 8 Any visible contamination or odorous material encountered on the site during the development work must be investigated. The Local Planning Authority must be informed immediately of the nature and degree of contamination present.

Reason : To protect the environment and prevent harm to human health.

CONDITION 9 This notice does not convey any approval to landscape planting. Prior to the commencement of the development phase of 181 dwellings hereby approved, further details of planting and landscaping, including tree protection details, proposed plant types and varieties, sizes and planting densities, together with arrangements for their aftercare, and the detailed design of other landscape features, including any hard landscaping, shall be submitted to and approved in writing by the Local Planning Authority. The landscaping thus approved shall be implemented in accordance with conditions 32 and 33 of the outline permission number BE/45/04.

Reason: In the interests of clarity, amenity, ecology and the environment and neighbouring and in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7 & SITE6 of the Arun District Local Plan.

CONDITION 10 The development shall provide for flow-routes to cater for the overflow of the surface water drainage system in accordance with plan 2037/SK/150/REV B unless the Local Planning Authority gives prior written approval for any variation, and the routes shall be permanently maintained thereafter.

Reason. To ensure the provision of adequate surface water drainage, including access for maintenance, in accordance with policy GEN9 of the Arun District Local Plan.

CONDITION 11 The stormwater pond approved under Outline Permission BE/45/04 and Reserved Matters Permission BE/131/07, and the surface water drainage system linking to it and serving the development phase of 181 dwellings hereby approved shall be constructed and provided prior to the occupation of any dwelling hereby approved.

Reason. In the interests of clarity and to ensure the provision of surface water drainage in accordance with the policy DEV3 of the West Sussex Structure Plan and policies GEN8 & GEN9 of the Arun District Local Plan.

CONDITION 12 The development shall provide affordable housing units which shall be in the locations shown in the current application, unless the Local Planning Authority gives prior written approval for any variation.

Reason. To control affordable housing and its location, to assist in the provision of mixed and balanced housing in accordance with policies NE2 and NE3 of the West Sussex Structure Plan and policies DEV17 and SITE6 of the Arun District Local Plan.

CONDITION 13 The development hereby approved shall fully include the Sustainable Development provisions contained within Section 6 of the Design and Access Statement, Issue ii - , submitted with this application and revised in April 2008, unless the Local Planning Authority gives prior written approval for any variation.

Reason. To ensure that development includes sustainable designs, techniques and methods to accord with national planning policies in PPS1, Delivering Sustainable Development and policy GEN1 of the Arun District Local Plan.

CONDITION 14 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking or re-enacting this Order) all windows at first floor level in the south-eastern (rear) elevations of the buildings at plots 258 - 267 (Block 46) and plots 268 - 271 (Block 45), shall be permanently and entirely glazed with uncolured obscure glass permanently and entirely fixed and unopenable, nor shall any additional windows or other such openings be inserted at first floor level or above in any the southern (rear) elevations unless the Local Planning Authority gives priior written approval for any variation.

Reason: To safeguard the privacy and amenities of adjoining occupiers in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

CONDITION 15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any Order revoking or re-enacting that Order, there shall be no additional window or other such opening (other than those shown on the plans hereby approved) in the following parts of the dwellings at the following plots without the prior permission of the Local Planning Authority on an application in that behalf:

- Plot 101 in the eastern side elevation at first floor and above.
- Plot 105 in the western side elevation at first floor and above.
- Plot 110 in the southern side elevation at first floor and above.
- Plot 115 in the northern side elevation at first floor and above.
- Plot 131 in the north western side elevation at first floor and above.
- Plot 134 in the south eastern side elevation at first floor and above.
- Plot 146 in the north western side elevation at first floor and above.
- Plot 165 in the north eastern side elevation at first floor and above.
- Plot 192 in the south western side elevation at first floor and above.
- Plot 198 in the south eastern side elevation at first floor and above.
- Plot 214 in the north eastern side elevation at first floor and above.
- Plot 222 in the north eastern side elevation at first floor and above.
- Plot 228 in the north eastern side elevation at first floor and above.
- Plot 234 in the north western side elevation at first floor and above.
- Plot 235 in the south eastern side elevation at first floor and above.
- Plot 238 in the north eastern side elevation at first floor and above.
- Plot 240 in the south western side elevation at first floor and above.
- Plot 251 in the south western side elevation at first floor and above.
- Plot 270 in the north eastern side elevation at first floor and above.
- Plot 281 in the south eastern rear & north eastern side elevations at first floor and above.

Reason: To protect the amenities of adjoining residential properties in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

CONDITION 16 Prior to the commencement of the development hereby approved the applicant shall submit details to the Local Planning Authority to show that all areas which are to be accessed by refuse and recycling collection vehicles are to be constructed in order to withstand the laden weight of such vehicles and this shall include the provision of robust surfacings and edgings. The development shall then proceed only in accordance with those details following the prior written approval of the Local Planning Authority.

Reason. In order to ensure that suitable access is provided for refuse and recycling collection vehicles in accordance with policy GEN8 of the Arun District Local Plan and DEV3 of the West Sussex Structure Plan.

CONDITION 17 Prior to the occupation of any dwelling in the development hereby approved, the applicant shall submit to the Local Planning Authority written confirmation that access is to be provided and permanently maintained for refuse and recycling collection vehicles, throughout the development area. Occupation may only take place following the prior written approval of the to the Local Planning Authority of the details submitted. Access shall thereafter be permanently maintained for refuse and recycling collection vehicles in accordance with the approved details.

Reason In order to ensure that suitable access is provided for refuse and recycling collection vehicles in accordance with policy GEN8 of the Arun District Local Plan and DEV3 of the West Sussex Structure Plan.

CONDITION 18 Prior to the occupation of the first dwelling within the development phase of 181 dwellings hereby approved, details of the design of street furniture including; lampposts, bollards, signage and benches shall be submitted to and approved by the Local Planning Authority and the details thus approved shall be used in the development unless the Local planning Authority gives prior written approval for any variation.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a development of visual quality in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

HIGHWAY INFORMATIVES.

19.1 Informative
The developer must enter into a section 38 Highway Agreement before this planning permission can be implemented. The scheme design will require a Stage 2 Road Safety Audit, in relation to the bus route, to support the Section 38 application. The final design dimensions will be checked as part of the Section 38 Agreement of the Highways Act, 1980, details of which can be obtained by contacting the Development Control Section, Highways and Transport Unit of the County Council at Chichester. (tel. no. 01243 777155). The agreement must be completed and the works implemented prior to the commencement of development.

19.2 Informative
The applicant should contact the Cleansing Operations Manager at Arun District Council's Environmental Amenities and Community Safety section, in order to agree the location where new residents should leave their refuse and recycling for collection. It is recommended that this information then be issued by the applicant to each incoming household. The Cleansing Operations Manager can be contacted at Arun Civic Centre, Maltravers road, Littlehampton BN17 5LF. Tel. 01903 737659.

19.3 Informative
The applicant is reminded that wheel washing facilities will be required during the

construction period and that details should be submitted to the Local Planning Authority for approval, in accordance with condition 13 of the outline permission BE/45/04, prior to the commencement of development.

19.4 Informative
The provision of trapped gulies and other water protection measures provided for within the current application and the Construction Environment Management Plan (CEMP) must be adhered to as part of the requirements to protect water quality, under conditions 20 & 27 of the outline planning permissiion BE/45/04.

19.5 Informative
The provision of vehicle parking and unloading/storage areas and turning, as required by conditions 10 & 11 of the outline permission BE/45/04, is approved by the subsequent grant of temporary permission for the site access and compound, reference BE/157/07, dated 14th February 2008.

NATURE CONSERVATION INFORMATIVE

20.1 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. The applicant is also advised that should protected species be present work must stop and Natural England informed. A licence may be required from Natural England before works can re-commence, Natural England will advise.

OTHER INFORMATIVES

21.1 Informative
The applicant should ensure that further archaeological investigations under condition 41 of the outline permission should not be undertaken when the ground is excessively wet. Advice should be obtained form the County Archaeological Advisor.

21.2 Informative
The applicant is advised that in the future design of the Neighbourhood Equipped Area for Play (NEAP) within the proposed village green to the the east of the current phase, and acces thereto, the comments of the Arun District Council Community Safety officer, regarding the provision of safe access/egress and for the provision of passive surveillance where possible, should be considered.

OTHER INFORMATIVES

22.1 Informative
The applicant is reminded that the development is subject of the conditions of the outline planning permission BE/45/04 issued on 22nd November 2006 by the Secretary Of State.

22.2 Informative
The applicant is advised that in relation to condition 46 (materials) of the outline permission BE/45/04, the use of timber joinery; windows doors etc, will be required for the dwellings at plots 206 - 213 inclusive, which are important in the sretting of the new viallge green and the existing north Bersted Conservation Area.

22.3 Informative
Condition 38 - Outline Permission BE/45/04.
The applicant is advised that nothing contained in this notice of permission conveys the Council's full approval for the foul drainage system beyond the first 30 dwellings, as required under condition 38 of the outline planning permission BE/45/04, therefore not more than 30 dwellings of the overall development of 650 dwellings covered by the ouline permission may be occupied until details of the foul drainage upgrade have been submitted to and approved in writing by the Local Planning Authority and the upgrade has been provided to the

satisfaction of the foul water drainage authority (Southern Water). The applicant should therefore seek further approval from the Local Planning Authority once agreement has been reached with Southern Water; on the matter of the design and provision off-site drainage upgrade.

22.4 Informative
The Applicant is reminded that details of lighting must be submitted to and approved in writing in accordance with condition 1(l) of the outline permission BE/45/04. It is recommended that this includes carefully designed security lighting in areas of parking courtyards, which should be operated by passive infra-red sensors.

OTHER INFORMATIVES

This permssion relates to the Drawings:

A-1004 SITE LOCATION PLAN PHASES 2 & 3 A
A-1007 SITE LAYOUT PHASE 1 TO 4 PLAN Z11
A-1109 SITE PLAN SHOWING STOREY HEIGHTS C
A-1110 SITE PLAN SHOWING HOUSE TYPES D
A-1114 S. PLAN SHOWING DWELLING DISTRIBUTION C
A-1116 CAR PARKING LAYOUT C
A-1120 SITE LOCATION BEING APPLIED FOR C

C-1020 TYPICAL STREET ELEVATIONS C
C-1021 TYPICAL STREET ELEVATIONS C

2532 4BH1 FLOOR PLANS & ELEVATIONS A
2547 4BH3 FLOOR PLANS & ELEVATIONS M
2549 4BH3+ FLOOR PLANS & ELEVATIONS B
2558 4BH5 FLOOR PLANS & ELEVATIONS L
2562 4BH6 FLOOR PLANS & ELEVATIONS H
2567 4BH7 FLOOR PLANS & ELEVATIONS K
2572 5BH2 FLOOR PLANS & ELEVATIONS N
2577 5BH3 FLOOR PLANS & ELEVATIONS L
2592 3BH9 FLOOR PLANS & ELEVATIONS D
2598 3BH12 FLOOR PLANS & ELEVATIONS D
3200 BLOCK 18 FLOOR PLANS & ELEVATIONS C
3205 BLOCK 19 FLOOR PLANS & ELEVATIONS C
3210 BLOCK 20 FLOOR PLANS B
3211 BLOCK 20 ELEVATIONS D
3215 BLOCKS 21 & 28 FLOOR PLANS & ELEVATIONS D
3220 BLOCK 22 FLOOR PLANS & ELEVATIONS B
3225 BLOCK 23 FLOOR PLANS & ELEVATIONS B
3230 BLOCK 24 FLOOR PLANS & ELEVATIONS C
3235 BLOCKS 25 & 29 FLOOR PLANS & ELEVATIONS C
3240 BLOCKS 26 & 28 FLOOR PLANS & ELEVATIONS D
3245 BLOCK 27 FLOOR PLANS & ELEVATIONS C
3250 BLOCK 30 FLOOR PLANS & ELEVATIONS D
3255 BLOCK 31 (AFF) FLOOR PLANS E
3256 BLOCK 31 (AFF) ELEVATIONS E
3260 BLOCK 32 FLOOR PLANS & ELEVATIONS D
3265 BLOCK 33 FLOOR PLANS & ELEVATIONS B
3270 BLOCK 35 (AFF) FLOOR PLANS D

3271 BLOCK 35 (AFF) ELEVATIONS E
3280 GARAGES & SUB STATION DETAILS A
3281 GARAGES DETAILS A
3300 BLOCKS 36 & 43 FLOOR PLANS & ELEVATIONS C

3305 BLOCK 37 FLOOR PLANS & ELEVATIONS B
3310 BLOCK 38 FLOOR PLANS & ELEVATIONS B
3315 BLOCK 39 FLOOR PLANS & ELEVATIONS B
3320 BLOCK 40 FLOOR PLANS & ELEVATIONS B
3325 BLOCKS 41 & 42 FLOOR PLANS & ELEVATIONS B
3330 BLOCK 44 (AFF) FLOOR PLANS D
3331 BLOCK 44 (AFF) ELEVATIONS D
3335 BLOCK 45 (AFF) FLOOR PLANS & ELEVATIONS D
3340 BLOCK 46 (AFF) FLOOR PLANS F
3341 BLOCK 46 (AFF) ELEVATIONS G
3345 BLOCK 47 (AFF) FLOOR PLANS D
3346 BLOCK 47 (AFF) ELEVATIONS D
3350 BLOCK 48 ELEVATIONS & FLOOR PLANS C
3355 BLOCK 49 FLOOR PLANS D
3356 BLOCK 49 ELEVATIONS E
3360 BLOCK 50 FLOOR PLANS D
3361 BLOCK 50 ELEVATIONS E

GA/101 GENERAL ARRANGEMENT D
D/101 DRAINAGE LAYOUT A

ATR/101 REFUSE VEHICLE TRACKING C
ATR/103 REFUSE VEHICLE TRACKING, CLOCKWISE C
ATR/104 REFUSE VEHICLE TRACKING, CLOCKWISE C
ATR/105 REFUSE VEHICLE TRACKING, CLOCKWISE C
ATR/106 REFUSE VEHICLE TRACKING, ANTI CLOCKWISE C
ATR/107 REFUSE VEHICLE TRACKING, ANTI CLOCKWISE C
ATR/108 REFUSE VEHICLE TRACKING, ANTI CLOCKWISE C

ATR/121 FIRE TENDER TRACKING A
ATR/122 FIRE TENDER TRACKING A
ATR/123 FIRE TENDER TRACKING A
ATR/124 FIRE TENDER TRACKING A
ATR/125 FIRE TENDER TRACKING A
ATR/126 FIRE TENDER TRACKING A
ATR/127 FIRE TENDER TRACKING A

GA/101 GENERAL ARRANGEMENT E
D/101 DRAINAGE LAYOUT A

ATR/101 REFUSE VEHICLE TRACKING PLAN C
ATR/102 REFUSE VEHICLE TRACKING C
ATR/103 REFUSE VEHICLE TRACKING C
ATR/104 REFUSE VEHICLE TRACKING C
ATR/106 REFUSE VEHICLE TRACKING C
ATR/107 REFUSE VEHICLE TRACKING C
ATR/108 REFUSE VEHICLE TRACKING C
ATR/109 REFUSE VEHICLE TRACKING C
ATR/110 REFUSE VEHICLE TRACKING C
ATR/111 REFUSE VEHICLE TRACKING C
ATR/112 REFUSE VEHICLE TRACKING C
ATR/114 REFUSE VEHICLE TRACKING C
ATR/115 REFUSE VEHICLE TRACKING C
ATR/116 REFUSE VEHICLE TRACKING C
ATR/117 REFUSE VEHICLE TRACKING C

ATR/121 FIRE TENDER KEY PLAN A
ATR/122 TRACKING FIRE TENDER A
ATR/123 TRACKING FIRE TENDER A
ATR/125 TRACKING FIRE TENDER A

ATR/126 TRACKING FIRE TENDER A
ATR/128 TRACKING FIRE TENDER A
ATR/129 TRACKING FIRE TENDER A
ATR/130 TRACKING FIRE TENDER A
ATR/131 TRACKING FIRE TENDER A
ATR/132 TRACKING FIRE TENDER A
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ATR/136 TRACKING FIRE TENDER A
ATR/137 TRACKING FIRE TENDER A
ATR/138 TRACKING FIRE TENDER A
ATR/139 TRACKING FIRE TENDER A

INFORMATIVE

Summary

This planning permission is granted because it complies with the policies listed below in that the development would create a high quality development of mixed housing with access for various modes of transport in accordance with the outline planning permission BE/45/04 issued on 22nd November 2006 by the Secretary Of State. Subject to conditions it will not cause any material adverse effect on visual or residential amenity on the surrounding area and its character.

Relevant Policies:

STRUCTURE PLAN: DEV1, DEV4, DEV3, DEV4, LOC1, NE3, NE14, CH1, CH4, CH7, ERA1, ERA2, ERA5.

LOCAL PLAN: SITE6, GEN1, GEN7, GEN8-12, GEN15-18, GEN21, GEN24-34, DEV17, DEV18, AREA2, AREA17, DEV11

NATIONAL POLICIES: PPS1, PPS3, PPG13, PPS9, PPG15, PPG16, PPS23, PPG24, PPS25

This is only a summary of reasons for granting to comply with Article 22 and full reasons appear in the Officer report.

Case Officer: Mr K Wheway

Date of Decision: **8th December 2008**

Date Decision Issued: **8th December 2008**

Head of Planning Services
Arun District Council
The Arun Civic Centre
Maltravers Road
Littlehampton
West Sussex BN17 5LF

ZJ Ellwood

Zachary Ellwood
Interim Head of Development Control

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 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 Planning Inspectorate, Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN.

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 First 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 District Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions 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).