

DECISION NOTICE

Application Ref: BN/128/24/RES

1 To Addressee

Smith Simmons and Partners
32 North Street
Chichester
PO191LX

2 Site Address

Eastmere Stables Eastergate Lane
Eastergate
PO20 3SJ

3 Description of Development

Approval of reserved matters (other than access) following the grant of BN/99/22/OUT (APP/C3810W/22/3312864) for 9 No. dwellings. This application is in CIL zone 3 and is CIL liable as new dwellings.

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:

- Location plan 0302 P01.
- Block plan 0303 P01.
- Site Plan 0301 Rev P04.
- Site Plan (Colour) 0300 Rev P04.
- Site Landscape Proposals 1353-1.
- Everest (GA7) Internal Secure Cycle Storage Solution Specification.
- EVA 7.3KW Electric Vehicle Charger Specification.
- Swept Path Analysis Refuse Vehicle (inbound) J32-8246-AT-A01.
- Swept Path Analysis Refuse Vehicle (Outbound) J32-8246-AT-A02.
- Proposed Elevations plot 1 - 0211 P02.
- Proposed Elevations plot 2 - 0221 P03.
- Proposed Elevations plot 2 - 0222 P02.
- Proposed Elevations plot 3 - 0231 P03.
- Proposed Elevations plot 3 - 0232 P03.

- Proposed Elevations plot 4 - 0241 P03.
- Proposed Elevations plot 5 - 0251 P03.
- Proposed Elevations plot 6 - 0261 P03.
- Proposed Elevations plot 6 - 0262 P02.
- Proposed Elevations plot 7 - 0271 P03.
- Proposed Elevations plot 7 - 0272 P02.
- Proposed Elevations plot 8 - 0281 P03.
- Proposed Elevations plot 9 - 0291 P03.
- Proposed floor plans - plot 1 0210 P03.
- Proposed ground floor plan plot 2 - 0220 P03.
- Proposed ground floor plan plot 3 - 0230 P03.
- Proposed floor plans plot 4 - 0240 P03.
- Proposed floor plans plot 5 - 0250 P03.
- Proposed floor plans plot 6 - 0260 P03.
- Proposed floor plans plot 7 - 0270 P03.
- Proposed floor plans plot 8 - 0280 P03.
- Proposed floor plans plot 9 - 0290 P03.
- Proposed double garage plans and elevations - 0215 P02; and
- Proposed single car port plans and elevations - 0216 P02.

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

- 2 All activity at the site is to be carried out in strict accordance with the "Arboricultural Survey to BS5837:2012" by Arbtech dated 15/08/24 and the separate Tree Protection Plan also by Arbtech (1844-SYM-XX-ZZ-DR-A-0300-P01).

Reason: To comply with BS5837:2012 and 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 in accordance with Arun Local Plan policies ENV DM4 and D DM1.

- 3 The approved details of the landscaping shall be carried out in the first planting and seeding season, following the occupation of the buildings 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 Arun Local Plan policy D DM1.

- 4 No development above damp-proof course level shall take place unless and until a scheme to demonstrate that the internal noise levels within the residential units will conform to the "Indoor ambient noise levels for dwellings" guideline values specified within Table 4 under section 7.7.2 of BS 8233:2014. Details shall be compiled by a competent acoustician on sound insulation and noise reduction for buildings and shall be submitted to and approved in writing by the Local Planning Authority. The scheme should take into account the correct number of air changes required for noise affected rooms. The works specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the premises and be retained thereafter.

Reason: To protect the amenity of future local residents in accordance with Arun Local Plan policies QE SP11 and QE DM1.

- 5 No development above damp-proof course (DPC) level shall take place unless and until details of the proposed location of the required fire hydrants have been submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service.

Prior to the first occupation of any dwelling forming part of the proposed development, the applicant/developer shall at their own expense install the required fire hydrants (or in a phased programme if a large development) in the approved locations to BS:750 standards or stored water supply and arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting.

The fire hydrants shall thereafter be maintained as part of the development by the water undertaker at the expense of the Fire and Rescue Service if adopted as part of the public mains supply (Fire Services Act 2004) or by the owner/occupier if the installation is retained as a private network.

Reason: In the interests of amenity and in accordance with policy INF SP1 and T SP1 of the Arun Local Plan and in accordance with The Fire & Rescue Service Act 2004.

- 6 The first-floor study and bathroom windows on the rear elevation of plot 9 shall at all times be glazed with obscured glass to a level equivalent to Pilkington Level 3 or nearest equivalent standard and be non-openable below 1.7m above finished floor level / fixed to be permanently non-opening). This arrangement shall be permanently retained thereafter.

Reason: To protect the amenities and privacy of the adjoining dwellings and their gardens in accordance with Arun Local Plan policies D DM1 and QE SP1.

This application is subject to the Community Infrastructure Levy (CIL) as levied under Arun district Council's CIL Charging Schedule as adopted on 15th January 2020.

Shortly you will receive a Liability Notice which includes the calculated charge and person(s) liable to pay. If you have not submitted all the necessary CIL forms such as Assumption for Liability ([Form 2](#)) or any appropriate exemption or relief forms available on the Council's website <https://www.arun.gov.uk/cil> you must do so prior to commencement of your development. Failure to do so would invalidate any claim for exemption or relief. Furthermore, you must remember to submit your Commencement Notice no later than the day before the day on which the chargeable development is to commence. Failure to do so could result in a surcharge of up to £2,500.

INFORMATIVE: This permission does not formally discharge any of the drainage conditions imposed on the outline planning permission and separate applications will be required to discharge these. In addition, the applicant should 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>.

INFORMATIVE: The applicant should note that this layout has been approved without agreement of the Council's Ecologist in respect of the ability to deliver the BNG required by condition 8 on the outline planning permission. If it subsequently becomes clear that the BNG condition cannot be agreed due to the layout not providing sufficient on-site BNG (and if it is not possible to secure it off-site), 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. You may however be able to provide additional on-site BNG such as additional hedging, planting, and say a wildlife pond through changes to the layout which could potentially be secured by a s96a application.

INFORMATIVE: All other conditions on the outline that require discharge will require separate applications to be submitted to discharge these conditions.

INFORMATIVE: The lighting scheme required to be submitted for approval by condition 12 of BN/99/22/OUT should be designed to be sensitive to bats. It is recommended that the scheme be designed to be in accordance with GN08 2023: "Bats and Artificial Lighting at Night".

INFORMATIVE: Following approval of details showing the proposed location of all fire hydrant(s) or stored water supply (in accordance with West Sussex Fire and Rescue Service's Guidance Notes) and prior to the first occupation of any dwelling forming part of the proposed new development you are advised to contact West Sussex Fire and Rescue Service (WSFRS) make them aware of all the fire hydrants for the site and their locations. They can then be operated and tested, their location marked up locally and plotted on the water management system and mapping. This information is then available to all fire crews attending the site, essential for locating the nearest fire hydrants available in the vicinity of a fire without delay.

Without this information WSFRS would not be aware of any fire hydrants available on the site and lead to valuable time being spent looking for a water supply to keep the fire appliance supplied with water. Without a supply of water people's lives and properties could be put at undue risk in the event of a fire. Fire hydrant information is to be sent to either the Planning Officer or directly to the Water and Access Department, WSFRS on the details given below: Frs.waterandaccess@westsussex.gov.uk

INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981 (as amended), 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 0345 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: The granting of this permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received. For further information, please contact the Environmental Health Department on 01903 737555. There shall be no burning of waste or other materials on the site, except in an incinerator.

INFORMATIVE: The site is located within the Source Protection Zone 1c & 2c for the local Public Water Supply Source. SPZ1c & SPZ2c relates to subsurface activity only, where the Chalk aquifer is confined and may be impacted by deep drilling activities. Subterranean activities such as deep drainage solutions and/or piling may pose a risk to groundwater quality at the local public water supply source. The confined aquifer is of high sensitivity and consequently all measures to prevent pollution during and post construction are required in order to safeguard the local public water supply. At the Outline stage, Portsmouth Water requested conditions regarding the use of piled foundations, but this was not included by the Inspector.



Neil Crowther
Group Head of Planning

Case Officer: Mr S Davis

Decision Issued: **2nd December 2024**

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 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).