TOWN AND COUNTRY PLANNING ACT 1990

ARUN DISTRICT COUNCIL

DECISION NOTICE

Application Ref: BR/153/09/

1 **To Addressee**

The Planning Bureau Ltd
Homelife House
26-32 Oxford Road
Bournemouth
Dorset
BH8 8EZ

2 **Site Address**

262 Hawthorn Road
Aldwick
Bognor Regis
PO21 2UP

3 **Description of Development**

Application for variation of condition 17 and removal/variation of condition 23 imposed upon application BR/60/08/ for erection of 36 Sheltered Apartments (Category II), House Managers accomodation, communal facilities and car parking

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 plan and subject to compliance with the conditions specified.

CONDITION 1 No development 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 and roofs of the proposed building 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 policy GEN7 of the Arun District Local Plan.

CONDITION 2 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons 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 5 years from the completion of the 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 policy GEN7 of the Arun District Local Plan.

CONDITION 3 No development, including site works of any description, shall take place on the site unless and until all the existing trees/bushes/hedges to be retained on the site have been protected by a fence to be approved by the Local Planning Authority erected around each tree or group of vegetation at a radius from the bole or boles of 5 metres or such distance as may be agreed in writing by the Local Planning Authority. Within the areas so fenced off the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant machinery or surplus soil shall be placed or stored thereon without the prior written approval of the Local Planning Authority. If any trenches for services are required in the fenced off areas they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left unsevered.

Reason: To ensure the retention and maintenance of trees and vegetation which is an important feature of the area in accordance with policy GEN7 of the Arun District Local Plan.

CONDITION 4 The burning of materials obtained by site clearance or from any other source shall not take place within 6 metres of the furthest extent of the canopy of any tree or group of trees to be retained on the site or on land adjoining.

Reason: To protect trees and vegetation from fire damage in the interests of the visual amenities of the locality in accordance with policy GEN7 of the Arun District Local Plan.

CONDITION 5 Details of a scheme for the retention and management of the amphibians found on the site shall be submitted to and approved in writing by the local planning authority before the development hereby permitted is ccommenced.

Reason: In the interests of nature conservation in accordance with policy GEN29 of the Arun District Local Plan.

CONDITION 6 The windows on the end elevation of the building facing 10 Newhall Close shall at all times be glazed with obscured glass.

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

CONDITION 7 With the exception of the manager's accomodation, the Category II sheltered flats hereby permitted shall only be occupied by persons of 60 years of age or over, together with a spouse of 55 years or older, if applicable, or other persons as may be agreed in writing by the local planning authority.

Reason: A reduced car parking standard has been used in accordance with policy GEN12 of the Arun District Local Plan.

CONDITION 8 No development shall be carried out until all buildings and structures existing on the application site at the date of this permission have been demolished, the debris removed from the site and the site cleared.

Reason: In the interests of the amenities of the locality in accordance with policy GEN7 of the Arun District Local Plan.

CONDITION 9 Details of any external lighting/floodlighting shall be submitted to and approved in writing by the Local Planning Authority before the use hereby permitted commences and the building is occupied. Development shall be carried out in accordance with the approved details.

Reason: to safeguard the amenities of nearby residents in accordance with policy GEN7, GEN33 of the Arun District Local Plan.

CONDITION 10 Details of the materials to be used for the access drive and car parking area shall be submitted to and approved in writing before the development hereby permitted is commenced.

Reason: In the interests of visual amenity in accordance with policy GEN7 of the Arun District Local Plan.

CONDITION 11 No development shall take place until details of screen walls, railings and/or fences have been submitted to and approved by the Local Planning Authority and no dwellings shall be occupied until such screen walls, railings and/or fences associated with them have been erected.

Reason: In the interests of amenity in accordance with policy GEN7 of the Arun District Local Plan.

CONDITION 12 An archaeological investigation of the site shall be carried out at the expense of the developer in accordance with a specification to be submitted to and agreed by the Local Planning Authority in writing before the commencement of any building works.

Reason: The site is of archaeological significance and it is important that it is recorded by excavation before it is destroyed by development in accordace with policy AREA 17 of the Arun District Local Plan.

CONDITION 13 The development shall not proceed until details of the proposed surface water means of disposal have been submitted and approved by the Local Planning Authority. Surface water drainage shall be carried out in accordance with such details and in conjunction with associated building works.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policy GEN7, GEN9 of the Arun District Local Plan.

CONDITION 14 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies to BS 5911:1982 with an overall capacity compatible with the site being drained.

Reason: In order to prevent pollution of the water environment in accordance with policy GEN7 of the Arun District Local Plan.

CONDITION 15 No material shall be deposited at the site other than clean, uncontaminated naturally occurring excavated material, brick and concrete rubble only.

Reason: To prevent pollution of controlled waters in accordance with policy GEN7 of the Arun District Local Plan.

CONDITION 16 The access from the site to the public highway shall be designed, laid out and constructed with kerb radii, visibility splays and sight lines in all respects in accordance with plans and details to be submitted to and approved by the Local Planning Authority and the access hereby permitted shall be implemented in accordance with these details prior to the first occupation of any unit on this site.

Reason: In the interests of road safety in accordance with policy GEN7 of the Arun District Local Plan.

CONDITION 17 The building hereby permitted shall not be occupied until provision has been made within the site in accordance with details to be submitted to and approved by the Local Planning Authority to prevent surface water discharging onto the public highway.

Reason: In the interests of road safety and to accord with approved policy in accordance with policy GEN7 of the Arun District Local Plan.

CONDITION 18 The building hereby permitted shall not be occupied until all accesses to the site other than hereby approved have been stopped up permanently and obliterated.

Reason: In the interests of road safety in accordance with policy GEN7 of the Arun District Local Plan.

CONDITION 19 No work shall be carried out on the site unless and until an effective vehicle wheel-cleaning facility has been installed in accordance with details approved by the Local Planning Authority and such facility shall be retained in working order and operated throughout the period of work on the site to ensure that vehicles do not leave the site carrying earth and mud on their wheels in a quantity which causes a nuisance or hazard on the road system in the locality.

Reason: In the interests of road safety in accordance with policy GEN7 of the Arun District Local Plan.

CONDITION 20 The building shall not be occupied until the parking spaces and turning facilities shown on the submitted plans have been provided and constructed. The areas of land so provided shall not thereafter be used for any purpose other than the parking and turning of vehicles.

Reason: To ensure that adequate and satisfactory provision is made for the accommodation of vehicles clear of the highways in accordance with policy GEN7 of the Arun District Local Plan.

CONDITION 21 The use of any land for car parking shall not be commenced until it has been laid out, surfaced and drained and such land shall not be used thereafter for any purpose other than the parking of vehicles.

Reason: To ensure a satisfactory standard of development in accordance with policy GEN7 of the Arun District Local Plan.

CONDITION 22 A new 2 metre wide footpath shall be provided on the north side of Hawthorn Road on highway land up to the boundary with 252 Hawthorn Road before the development hereby approved is occupied.

Reason: In the interests of highway safety in accordance with PPG13.

INFORMATIVE:

The West Sussex County Council as Highway Authority would remind applicants that they may have to provide on the application site, areas for the parking and unloading of vehicles, temporary contractor buildings, plant and stacks of materials as the use of the adjacent public highway for these purposes may not be acceptable under the terms of the Highways

Act.

Informative:

A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development , please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO239EH (tel 01962 858688) or www.southernwater.co.uk

INFORMATIVE:

The applicant is advised that attached to this permission is a S106 agreement.

INFORMATIVE:

It should be noted that the time limit of planning permission ref: BR/60/08/ still applies to this permission, in accordance with Section 73 of the Town and Country Planning Act 1990.

INFORMATIVE: Summary of Reasons for Grant Article 22(1) General Development Procedure Order 1995

SUMMARY
This planning permission is granted because it complies with the policies listed below in that the development would have no materially adverse effect on higway safety and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

SOUTH EAST PLAN: SP3, CC1, CC4, CC7, H1, H2, H3, H4, H5, T4.

LOCAL PLAN: GEN2, GEN8, GEN12, GEN23, GEN29, DEV17, DEV21.

NATIONAL POLICIES: PPS1, PPS3, PPS9, PPG13, PPG16.

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

Case Officer: Mrs C Rodway

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

Date of Decision: **3rd March 2010**

Date Decision Issued: **8th March 2010**

Karl Roberts
Assistant Director Planning Services &
Housing Strategy

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).