



Town & Country Planning Act 1990 (as amended)
Town and Country Planning (Development Management
Procedure) (England) Order 2010 (as amended)
Application for Planning Permission
DECISION NOTICE

Application Ref: EG/29/13/

1 To Addressee

Luken Beck mdp ltd
 30 Carlton Crescent
 Southampton

SO15 2EW

2 Site Address

Former Brooks Nursery
 Eastergate
 PO22 0ED

3 Description of Development

Residential development for 40 dwellings, including 30% affordable, with associated access, landscaping and ancillary works. Re-Submission following EG/73/12. Departure from the Development Plan.

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 .

1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

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

P706/101 - Location Plan;
 P706/100 Revision T - Planning Layout;
 P706/102 Revision D - Materials Layout;
 P706.SS.201 Revision A - Street Scenes;
 P706.H316.02 Revision A - Elevations;
 P706.H316.01 Revision A - Floor & Roof Plans;
 P706.H433.02 Revision A - Elevations;
 P706.H316.03 - Floor & Roof Plans;
 P706.H433.01 Revision A - Floor & Roof Plans;
 P706.H436.01 Revision B - Floor and Plans;
 P706.H436.02 - Elevations;
 P706.H452.04 Revision A - Elevations;
 P706.H452.01 Revision A - Floor & Roof Plans;
 P706.H452.03 Revision A Floor & Roof Plans;
 P706.H469.01 Revision B - Floor & Roof Plans;
 P706.H452.02 Revision A - Elevations;
 P706.H469.02 Revision B - Elevations;
 P706.H469.04 - Elevations;
 P706.SH27.01 Revision A - Plans & Elevations;
 P706.SH39.02 Revision A - Plans & Elevations;
 P706.SH39.01 Revision A - Plans & Elevations;
 P706.P206.01 Revision A - Elevation & Plans;
 P706/GAR/01 - Single Garages, Floor Plans, Roof Plans & Elevations;
 P708/GAR/02 - Double Garage (Gable Sided) Floor Plan, Roof Plan & Elevations;
 P706/GAR/03 - Pair of Garages (Gable Sided) Floor Plan, Roof Plan & Elevations;
 P706/GAR/04 - Combined Single & Double Garage, Floor Plan, Roof Plan & Elevations;

BSH18222 10 C - Landscape Masterplan;
 BSH18222 13B - Landscape Proposals;
 BSH18222 15A - Landscape Proposals;
 BSH18222 14A - Landscape Proposals;
 BSH18222 12 C - Landscape Proposals;
 BSH18222 11A - Landscape Proposals;
 BSH18222 16 - LEAP/LAP Proposals;

Figure No 1 - Ecology Phase 1 Habitat Plan;
 4482:P02 Revision A - Proposed Levels Layout;
 4482:P10 Revision A - Road Sections;
 4482:P90 Revision A - Refuse vehicle tracking layout;
 4482:P500 Revision A - Proposed adoptable highway layout;
 4482:P501 Revision A - Proposed lighting layout;
 4482:P01 Revision A - Drainage strategy layout;
 4482:P05 Revision A - Over Drainage Strategy;

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with GEN7 of the Arun District Local Plan.

- 3 No development shall be carried out unless and until a schedule of materials and finishes to be used for external walls and roofs of the proposed buildings have been submitted to and approved by the Local Planning Authority. A 'statement of detail' shall be submitted setting out details of proposed windows and doors, details of the depth of recess/reveal from the brickwork, sills and lintels, brick bonding, brick detailing, eaves detailing and rainwater goods. The materials and 'statement of details' so approved shall be used in the construction of the buildings.
- Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve buildings of visual quality in accordance with policy GEN7 of the Arun District Local Plan.
- 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.
- 5 No development shall commence until details for the replacement of the conifer tree screen to the northern boundary has been submitted to and approved by the Local Planning Authority. This shall include details of all replacement trees which shall be of a species and maturity and in positions approved by the Local Planning Authority and under its supervision and a management plan for its future maintenance. In the event that any such trees die within five years following such planting they shall be replaced with similar trees in similar positions during the next planting season.
- Reason: To retain trees in the interests of the environment of the locality in accordance with policy GEN7 of the Arun District Local Plan.
- 6 Landscaping (hard and soft) shall be carried out in accordance with the details shown on plan (BSH18222 10 C; BSH18222 13B; BSH18222 15A; BSH18222 14A; BSH18222 12 C; BSH18222 11A; BSH18222 16). All planting, seeding or turfing comprised in the approved details 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.
- 7 No development shall commence until details of the positions and maturity of planting along the eastern boundary of the site has been submitted to and approved by the Local Planning Authority. Plots 4, 7 and 8 - 13 shall not be occupied until such planting has been completed.
- Reason: In the interests of neighbouring amenity in accordance with policy GEN7 of the Arun District Local Plan.

- 8 No development including site access, demolition or associated construction activities, 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 in accordance with BS5837 (2012) and Section 9, to be approved by the Local Planning Authority for erection around each tree, group of trees and vegetation to a distance of 15m or to the Root Protection Area (RPA) as calculated in accordance with Table 2 of BS5837 (2012) to be agreed in writing by the Local Planning Authority.

Within the areas so fenced off the existing ground must not be cultivated, nor must it be lowered or raised or added to by the importation and spreading of top soil unless agreed by the Local Planning authority. There must be no materials, temporary buildings, plant machinery or surplus soil placed or stored thereon without prior written approval of the Local Planning Authority.

No trenching should occur within the protective fencing surrounding the Root Protection Area. If however there is no alternative but to locate the services then its encroachment into the Root Protection Area must be kept to a minimum and where the roots should be exposed using compressed air technology, such as the air spade to reduce damage caused by mechanical methods. If roots requiring severance to allow for the passage of services is necessary then an arboriculturist would be required to assess and determine whether the loss of the roots would be detrimental to the continued health and stability of the affected tree.

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.

- 9 An archaeological investigation of the site shall be carried out at the expense of the developer in accordance with a specification (written scheme of investigation) to be submitted to and agreed by the Local Planning Authority in writing following the demolition of any existing buildings and before the commencement of building works.

Reason: To ensure appropriate investigation and recording of archaeological Heritage Assets on the site prior to commencement of new building works.

- 10 Prior to the commencement of development, a strategy for the provision of the highest available headline speed of broadband provision to future occupants of the site shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall take into account the timetable for the delivery of "superfast broadband" (defined as having a headline access speed of 24Mb or more) in the vicinity of the site (to the extent that such information is available). The strategy shall seek to ensure that upon occupation of a dwelling, the provision of the highest available headline speed of broadband service to that dwelling from a site-wide network is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway. Unless evidence is put forward and agreed in writing by the Local Planning Authority that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure, the development of the site shall be carried out in accordance with the approved strategy.

Reason: To ensure suitable provision for all potential occupiers in accordance with paragraph 42 of the NPPF.

- 11 Prior to the commencement of works on-site and in accordance with the Reptile Mitigation Method Statement July 2012 reptiles will be trapped, translocated and excluded from the development site under the supervision of the Ecological Clerk of Works. Receptor site treatment and all timings of works pertaining to the reptile mitigation shall be undertaken only in strict accordance with Reptile Mitigation Method Statement.

Reason: In the interest of protecting and conserving the ecological quality of the area in accordance NPPF paragraph 118.

- 12 No removal of trees or shrubs shall be carried out on site between March to August inclusive in any year, unless otherwise approved in writing by the Local Planning Authority. Where vegetation must be cleared during the bird breeding season a check for nesting birds by a suitably qualified ecologist will be required. Any vegetation containing occupied nests will be retained until the young have fledged. The location details of the compensatory nesting provision to be supplied to the Local Planning Authority for approval prior to their erection.

Reason: In the interest of protecting and conserving the ecological quality of the area in accordance NPPF paragraph 118.

- 13 Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1. A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with policy GEN7 of the Arun District Local Plan.

- 14 If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.
- Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with GEN7 of the Arun District Local Plan.
- 15 The development shall not commence until full details of the proposed foul water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. (Including details of its routing, design, and subsequent management/maintenance).
- No building shall be occupied until the foul water drainage scheme has been implemented in accordance with the approved details.
- Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan.
- 16 Development shall not commence until full details of the proposed surface water drainage scheme 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 ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage.
- No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details.
- Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan.
- 17 The development 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 GEN7 and GEN9 of the Arun District Council Local Plan.

- 18 Development shall not commence until full details of the maintenance and management of the SUDs system 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 details of financial management and arrangements for the replacement of major components at the end of the manufacturers recommended design life. Upon completed construction of the SuDs System, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.
- 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: C697 Chapter 22.
- 19 The development layout shall not be agreed until such time that arrangements for the future access 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.
- 20 No development shall commence until the vehicular access serving the development has been constructed in accordance with the approved planning drawing.
- Reason: In the interests of road safety.
- 21 No part of the development shall be first occupied until provision has been made within the site in accordance with plans and details to be submitted to and approved by the Local Planning Authority to prevent surface water draining onto the public highway.
- Reason: In the interests of road safety.
- 22 No part of the development shall be first occupied until visibility splays of 2.4 metres by 43 metres have been provided at the proposed site vehicular access onto Barnham Road in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.
- Reason: In the interests of road safety.
- 23 No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.
- Reason: To provide car-parking space for the use
- 24 The garage buildings shall be used only as private domestic garages for the parking of vehicles incidental to the use of the properties as dwellings and for no other purposes. Garages are to have minimal internal dimension of 6 metres x 3 metres.
- Reason: To ensure adequate off-street provision of parking in the interests of amenity and highway safety.

25 No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- measures to control the emission of dust and dirt during demolition and construction, lighting for construction and security,
- details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area.

26 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

27 No part of the development shall be first occupied until the road(s), footways, and casual parking areas serving the development have been constructed, surfaced and drained in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: To secure satisfactory standards of access for the proposed development.

28 Development shall not commence until full details of the scheme to control surface water drainage during the construction phase has been submitted to and approved in writing by the Local Planning Authority. The scheme must prevent any increase in surface water run-off from the site in order to protect surrounding properties during the construction phase of the development. The construction phase shall not commence until the approved scheme has been completed to the satisfaction of the Local Planning Authority. The developer must allow access to the Councils Drainage Engineers at any time to monitor the construction and effectiveness of the scheme during the construction process.

Reason: To ensure that the proposed development is satisfactorily drained and does not increase surface water flooding within the locality in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan.

INFORMATIVE: Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. 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.



Karl Roberts
Assistant Director Planning & Economic Regeneration

Case Officer: Mr P Cleveland

Date of Decision:

26 September 2013

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

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 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, if you want to appeal against your local planning authority's decision on your application, 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 if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months (12 weeks in case of a householder appeal) of the date of this notice, whichever period expires earlier.

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 Secretary of State, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or on line at www.planningportal.gov.uk/pes

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 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).