

DECISION NOTICE

Application Ref: FG/184/21/PL

1 To Addressee

NJA Town Planning Ltd
The Beehive
City Place
Gatwick
RH6 0PA

2 Site Address

1 Greenways Crescent
Ferring
BN12 5EF

3 Description of Development

Erection of replacement dwelling and garage

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 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).

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

- Proposed Site Plan (PL-04 Rev A)
- Proposed Floor Plans (PL-01 Rev A)
- Proposed Elevations - Dwelling (PL-02 Rev A)
- Proposed Garage Elevations (PL-03)

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies D SP1, D DM1, D DM2 and QE SP1 of the Arun Local Plan.

- 3 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes to be used for external walls, roofs, windows and doors 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 visual amenity and by endeavouring to achieve a building of visual quality in accordance with policy D DM1 of the Arun Local Plan and the Arun District Council Design Guide Supplementary Planning Document.

- 4 The two first floor gable end windows on the southern elevation of the new building hereby permitted shall be obscure glazed and fixed shut to a minimum height of 1.7m above finished floor level. These windows shall remain as such at all times.

Reason: To protect the amenities of local residents in accordance with policies D DM1 and QE SP1 of the Arun Local Plan.

- 5 No demolition/construction activities shall take place other than from 08:00 hours until 18:00 hours (Monday to Friday) and from 08:00 hours until 13:00 hours (Saturday) with no noisy work on Sunday or Bank/Public Holidays.

Reason: To protect the amenity of local residents in accordance with Policy QE SP1 of the Adopted Arun Local Plan.

- 6 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:

- a) An indicative programme for carrying out of the works;
- b) Details of the arrangements for public engagement / consultation both prior to and continued liaison during the construction works;
- c) Measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method of piling for foundations, the careful selection of plant and machinery and use of noise mitigation barrier(s);
- d) Details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination;
- e) The parking of vehicles of site operatives and visitors;
- f) Loading and unloading of plant and materials, including permitted times for deliveries;
- g) Storage of plant and materials used in constructing the development;
- h) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- i) 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 Regulations Orders);
- j) Measures to control the emission of dust and dirt during construction;
- k) A scheme for recycling / disposing of waste resulting from demolition and construction works i.e. no burning permitted.

Reason: To protect the amenity of local residents in accordance with Policy QE SP1 of the Adopted Arun Local Plan. It is considered necessary for this to be a pre-commencement condition to secure details of the proposed mitigation measures for construction impacts prior to development works commencing.

- 7 If during development, any visible contaminated or odorous material, (for example, asbestos containing material, stained soil, petrol / diesel / solvent odour, underground tanks or associated pipework) not previously identified, is found to be present at the site, no further development (unless otherwise expressly agreed in writing with the Local Planning Authority) shall be carried

out until it has been fully investigated using suitably qualified independent consultant(s). The Local Planning Authority must be informed immediately of the nature and degree of the contamination present and a method statement detailing how the unsuspected contamination shall be dealt with must be prepared and submitted to the Local Planning Authority for approval in writing before being implemented. If no such contaminated material is identified during the development, a statement to this effect must be submitted in writing to the Local Planning Authority.

Reason: To protect the amenity of local residents in accordance with Policy QE DM4 of the Adopted Arun Local Plan.

- 8 The owner(s) of any domestic property built or refurbished before the year 2000 are legally obliged to protect householders from any risks from work activities being carried out in their homes. Where the work being carried out involves Asbestos-Containing Materials (ACM's), then the Control of Asbestos Regulations 2012 will apply. As the proposed development is being demolished and / or renovated, the Council need to be satisfied that any ACM's previously identified as still present, is either removed or suitably managed to minimise risk to human health as there is no safe threshold for asbestos exposure. Within any owner-occupied domestic properties, the owner(s) are not legally responsible for risks to contractors from asbestos, as the owners themselves are not engaged in any work activity.

NB: If you are planning any DIY home improvements, repairs or maintenance - and intend to bring in any additional builders, maintenance workers or contractors to site - you must inform them of any ACM's in your home before they start work. This will help reduce the risks of any ACM's being disturbed. The domestic enforcement authority; the Health and Safety Executive (HSE) strongly encourages the use of trained professionals to repair or remove ACM's. If an owner / occupier chooses to carry out DIY repairs or remove damaged asbestos materials themselves, they must make sure the right Personal Protective Equipment (PPE) is used and always follow safe working methods.

In addition, please be aware that ACM's need to be legally disposed of as 'hazardous waste'. The removed materials should not be mixed with normal household waste. Arrangements must be made to have any ACM's collected by a competent person(s) or there may be special facilities in an area where you can safely dispose of it.

Reason: To protect the amenity of local residents in accordance with Policy QE DM4 of the Adopted Arun Local Plan.

- 9 Prior to first occupation of the dwelling hereby approved, provision shall be made on site for 1 x 240l bin for refuse and 1 x 240l bin for recycling. This bin provision shall be retained in perpetuity.

Reason: To provide adequate waste storage for future occupants of the dwelling, in accordance with policy WM DM1 of the Arun Local Plan.

- 10 The development shall accord with the measures set out in Energy and Sustainability Statement (prepared by blew burton Ltd, dated 21st May 2021), and at least 10% of the energy supply of the development shall be secured from decentralised and renewable or low carbon energy sources (as described in the glossary at Annex 2 of the NPPF) unless it can be demonstrated that a fabric-first approach would achieve an equivalent energy saving. Details and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to and approved in writing by the Local Planning Authority before any development above damp proof course (DPC) level begins. The development shall be implemented in accordance with the approved details and timetable and retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to secure on site renewable energy in accordance with national planning policy, and in accordance with Policy ECC SP2 of the Arun Local Plan.

- 11 No part of the development shall be first occupied until the car parking (minimum 2 spaces) 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 provision on site for the use, in accordance with national planning policy, policies T SP1 and T DM1 of the Arun Local Plan and the Arun District Council Parking Supplementary Planning Document.

- 12 No part of the development shall be first occupied until covered and secure cycle parking spaces (minimum 2 spaces) have been provided in accordance with the approved plans.

Reason: To provide alternative sustainable travel options to the use of the car in accordance with national planning policy, policies T SP1 and T DM1 of the Arun Local Plan and the Arun District Council Parking Supplementary Planning Document.

- 13 No part of the development shall be first occupied until the electric vehicle charging spaces (100% of all parking spaces on site) have been provided in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To provide sustainable travel options in accordance with national planning policy, policies T SP1 and T DM1 of the Arun Local Plan and the Arun District Council Parking Supplementary Planning Document.

- 14 The development shall accord with the SUDs measures set out in the Foul and Surface Water Drainage Statement (prepared by CGS Civils, dated 26th May 2021), and shall achieve a net increase in permeability on site as a result of the development scheme. Details of surface water drainage before and after development and the proposed SUDs features shall be provided on a SUDs Site Plan to be submitted to and approved in writing by the Local Planning Authority before any development above damp proof course (DPC) level begins. The development shall be implemented in accordance with the approved details.

Reason: To ensure SUDs are incorporated into the development scheme and that the site is adequately drained, in accordance with policy W DM3 of the Arun Local Plan and policy 10 of the Ferring Neighbourhood Plan.

- 15 No development shall take place, including any works of demolition, until the developer has agreed in writing with Southern Water and the Local Planning Authority, the measures to be taken to protect the public sewers. Thereafter the approved measures will be implemented and adhered to.

Reason: To ensure public sewers (the existing drainage network) are adequately protected from development, in accordance with policy W DM3 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition to secure details of the proposed mitigation measures for the protection of public sewers prior to development works commencing.

- 16 Before any demolition of buildings or construction work takes place, written confirmation is required from the Arboricultural Expert representing the site owner(s), confirming that all protective fencing and ground protection has been inspected and found to be 'Fit for Purpose' as required under British Standard 5837:2012 and been erected and positioned exactly as shown on the Tree Protection Plan, Ref: TPP 05585 / 2021 R1, May 2021.

Reason: To ensure the retention and maintenance of trees and vegetation which are an important feature of the area in accordance with Policy D DM1 and D DM4 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition as the protection and

retention of trees goes to the heart of the planning permission.

- 17 All activity at the site is to be carried out in strict accordance with: - Arboricultural Report, Ref: SCD 05585 / 2021 (Revision 1), May 2021.

- If there is deemed to be a need for any Utility Service Route connections to bisect retained tree Root Protection Areas, 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 by the Local Planning Authority before any works are commenced out on site.

Reasons: To comply with BS5837 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 policy D DM1 and D DM4 of the Arun Local Plan.

- 18 In respect of bats, a precautionary approach must be undertaken in accordance with the submitted Bat and Reptile Survey Report (prepared by the Ecology Co-op, dated August 2021). Prior to works commencing, including any demolition, an inspection shall be undertaken by an ecologist and removal of the roof tiles shall be undertaken by hand in the presence of a suitably qualified ecologist. If a bat is found all works must stop and Natural England consulted.

Reason: To protect legally protected species, in accordance with the relevant legislation, national planning policy and policy ENV DM5 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition as the protection of legally protected species must be secured prior to development works commencing.

- 19 In accordance with the submitted Bat and Reptile Survey Report (prepared by the Ecology Co-op, dated August 2021), the external lighting scheme for the site will need to take into consideration the presence of bats in the local area and the scheme should 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. Prior to installation of any external lighting scheme, the details shall be submitted to and approved in writing by the Local Planning Authority. Any external lighting is to be implemented thereafter in strict accordance with the approved external lighting scheme.

Reason: To protect legally protected species, in accordance with the relevant legislation, national planning policy and policy ENV DM5 of the Arun Local Plan.

- 20 Prior to first occupation of the dwelling hereby approved, a bat brick shall be integrated into the building on-site facing south/south westerly and positioned 3-5m above ground.

Reason: To support local wildlife and biodiversity, in accordance with national planning policy and policy ENV DM5 of the Arun Local Plan.

- 21 To ensure the site remains unsuitable for reptiles, continued management of the site must take place to ensure reptile habitat does not develop on-site. If this is not possible then a precautionary approach must be taken within the site with regards to reptiles, which involves any removal of scrub, grassland or ruderal vegetation to be done sensitively and with a two phased cut.

Reason: To protect legally protected species, in accordance with the relevant legislation, national planning policy and policy ENV DM5 of the Arun Local Plan.

- 22 Any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season which takes place between 1st March - 1st October. If works are required within this time an ecologist will need to check the site before any works take place

(within 24 hours of any work).

Reason: To protect legally protected species and local wildlife, in accordance with the relevant legislation, national planning policy and policy ENV DM5 of the Arun Local Plan.

- 23 Prior to first occupation of the dwelling hereby approved, a bird box shall be installed on the new dwelling and/or a tree within the garden of the property.

Reason: To support local wildlife and biodiversity, in accordance with national planning policy and policy ENV DM5 of the Arun Local Plan.

- 24 Any brush, compost and/or debris piles on site could provide shelter areas and hibernation potential for hedgehogs. These piles must be removed outside of the hibernation period mid-October to mid-March inclusive. The piles must undergo soft demolition. Any lighting used during construction should avoid light spilling to the underneath of hedgerows and shrubs.

Reason: To protect legally protected species and local wildlife, in accordance with the relevant legislation, national planning policy and policy ENV DM5 of the Arun Local Plan.

- 25 Prior to first occupation of the dwelling hereby approved, a hedgehog nesting box should be installed within the site to provide future nesting areas for hedgehogs.

Reason: To support local wildlife and biodiversity, in accordance with national planning policy and policy ENV DM5 of the Arun Local Plan.

- 26 Prior to first occupation of the dwelling hereby approved, the biodiversity enhancement measures set out in the submitted Bat and Reptile Survey Report (prepared by the Ecology Co-op, dated August 2021), must be implemented. This shall include planting of native flowers and shrubs, along with 2 native trees from UK stock only.

Reason: To encourage biodiversity and ensure the development results in a Net Gain in Biodiversity, in accordance with the Environment Bill, national planning policy and policy ENV DM5 of the Arun Local Plan.

INFORMATIVE: The applicant's attention is drawn to the requirements of the Environmental Protection Act 1990 and the Clean Air Act 1993 with regard to burning on site. A statutory nuisance may be caused by smoke and ash from fires or noise from the cutting or chipping trees. In addition, air quality could be adversely affected on large projects. The granting of this planning permission does not permit a statutory nuisance to be caused. The Environment Agency should also be contacted regarding Exemption Permits to burn on site.

INFORMATIVE: The granting of this planning 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 737755.

INFORMATIVE: The applicant is advised to obtain formal approval from the proprietor of the private road prior to carrying out any access works.

INFORMATIVE: Southern Water records show the approximate position of an existing SW sewer in the vicinity of the development site. The exact position of the public assets must be determined on site by the applicant in consultation with Southern Water before the layout of the proposed development is finalised.

Please note:

- The 150 mm public foul sewer requires a clearance of 3 metres on either side of the public foul sewer to protect it from construction works and to allow for future maintenance access.

- No development or tree planting should be carried out within 3 metres of the external edge of the public foul sewer without consent from Southern Water.
- No soakaway, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of a public foul sewer.
- All existing infrastructure should be protected during the course of construction works.

Please refer to: southernwater.co.uk/media/3011/stand-off-distances.pdf.

INFORMATIVE: It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

INFORMATIVE: Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer. To make an application visit Southern Water's Get Connected service: developerservices.southernwater.co.uk and please read our New Connections Charging Arrangements documents which are available on our website via the following link: southernwater.co.uk/developing-building/connection-charging-arrangements.

INFORMATIVE: The initial assessment undertaken by Southern Water does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991. Please note that non-compliance with Sewers for Adoption standards will preclude future adoption of the foul and surface water sewerage network on site. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.

For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119). Website: southernwater.co.uk or by email at: SouthernWaterPlanning@southernwater.co.uk.

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.



Neil Crowther
Group Head of Planning

Case Officer: Ms Myer

Decision Issued: **24th January 2022**

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).