



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: LU/116/13/

1 To Addressee

Mr C Barker
 Brooklyn Chambers
 11 Goring Road
 Worthing
 West Sussex
 BN12 4AP

2 Site Address

Hollyacre
 Toddington Lane

BN17 7PP

3 Description of Development

Demolition of existing commercial properties and erection of 63 residential dwellings, incorporating 16 affordable dwellings, parking provision, access and landscaping - This application is a 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:

Drawing Reference 5691/01 Rev N Site Layout Plan
 Drawing Reference 5691/150 Plots 1 - 4 Plans
 Drawing Reference 5691/151 Plots 1 - 4 Elevations
 Drawing Reference 5691/152 Plots 5 - 7 Plans & Elevs
 Drawing Reference 5691/153 Plots 8 - 10 Plans & Elevs
 Drawing Reference 5691/154 Plots 11 - 13 Plans & Elevs
 Drawing Reference 5691/155 Plots 14 - 16 Plans & Elevs
 Drawing Reference 5691/156 Plots 17 - 18 Plans & Elevs
 Drawing Reference 5691/157 Plots 19 - 20 Plans & Elevs
 Drawing Reference 5691/158 Plots 21 - 26 Plans
 Drawing Reference 5691/159 Plots 21 - 26 Elevations
 Drawing Reference 5691/160 Plots 27 - 30 Plans
 Drawing Reference 5691/161 Plots 27 - 30 Elevations
 Drawing Reference 5691/162 Plots 31 - 32 Plans & Elevs
 Drawing Reference 5691/163 Plots 33 - 35 Plans
 Drawing Reference 5691/164 Plots 33 - 35 Elevations
 Drawing Reference 5691/165 Plots 36 - 39 Plans
 Drawing Reference 5691/166 Plots 36 - 39 Elevations
 Drawing Reference 5691/167 Plots 40 - 41 Plans & Elevs
 Drawing Reference 5691/168 Plots 42 - 43 Plans & Elevs
 Drawing Reference 5691/169 Plots 44 - 45 Plans & Elevs
 Drawing Reference 5691/170 Plot 46 Plans & Elevs
 Drawing Reference 5691/171 Plots 47 - 48 Plans
 Drawing Reference 5691/172 Plots 47 - 48 Elevations
 Drawing Reference 5691/173 Plots 49 - 50 Plans & Elevs
 Drawing Reference 5691/174 Plots 51 - 52 Plans
 Drawing Reference 5691/175 Plots 51 - 52 Elevations
 Drawing Reference 5691/176 Plot 53 Plans & Elevs
 Drawing Reference 5691/177 Plots 54 - 56 Plans
 Drawing Reference 5691/178 Plots 54 - 56 Elevations
 Drawing Reference 5691/179 Plots 57 - 59 Plans
 Drawing Reference 5691/180 Plots 57 - 59 Elevations
 Drawing Reference 5691/181 Plot 60 Plans & Elevs
 Drawing Reference 5691/182 Plot 61 Plans & Elevs
 Drawing Reference 5691/183 Plots 62 - 63 Plans & Elevs
 Drawing Reference 5691/184 Garages Plots 56-57/60-61
 Detailed Soft Layout Proposals for Plots and Green JBA 13/63-01 Rev B
 Drainage Strategy SK201 Rev B

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 3a. No development shall be carried out within Phase 1 as detailed on drawing reference 5691/01 Rev N Site Layout Plan 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.
- 3b. No development shall be carried out within Phase 2 as detailed on drawing reference 5691/01 Rev N Site Layout Plan 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 No dwellings hereby approved shall be occupied until a scheme showing details of proposed boundary screen walls, fences and hedges have been submitted to and approved by the Local Planning Authority. The boundary treatments approved shall remain in place in perpetuity or unless otherwise agreed in writing by the Local Planning Authority.
- Reason: In order to protect the appearance of the area and to accord with policy GEN7 of the Arun Local Plan.
- 5 No dwelling hereby permitted shall be occupied until the recommendations made in Section 7.8 of the submitted "Transportation Noise Assessment (Residential Development) Issue 3 (16th September 2013)" have been implemented in full and thereafter permanently maintained.
- Reason: To safeguard the amenity of dwellings
- 6 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.

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7a. Landscaping (hard and soft) shall be carried out in accordance with the details shown on plan (Detailed Soft Layout Proposals for Plots and Green JBA 13/63-01 Rev B). 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 within Phase 1 as detailed on drawing reference 5691/01 Rev N Site Layout Plan, 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.

7b. Landscaping (hard and soft) shall be carried out in accordance with the details shown on plan (Detailed Soft Layout Proposals for Plots and Green JBA 13/63-01 Rev B). 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 within Phase 2 as detailed on drawing reference 5691/01 Rev N Site Layout Plan, 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.

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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 9a. 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 within Phase 1 as detailed on drawing reference 5691/01 Rev N Site Layout Plan.
- 9b. 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 within Phase 2 as detailed on drawing reference 5691/01 Rev N Site Layout Plan.
- 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 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.
- 11 11. 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.

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12a. Prior to the commencement of development within Phase 1 as detailed on drawing reference 5691/01 Rev N Site Layout Plan 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.

12b. Prior to the commencement of development within Phase 2 as detailed on drawing reference 5691/01 Rev N Site Layout Plan 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.

- 13 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.

- 14 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.

- 15 15a. 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 within Phase 1 as detailed on drawing reference 5691/01 Rev N Site Layout Plan until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details.

15b. 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 within Phase 2 as detailed on drawing reference 5691/01 Rev N Site Layout Plan 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.

- 16 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.
- 17 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
- 18 No part of the development shall be occupied until such time as the vehicular access providing access to the pumping station has been provided in accordance with the approved planning drawings.
- Reason: In the interests of road safety.
- 19 19a. No part of the development within Phase 1 as detailed on drawing reference 5691/01 Rev N Site Layout Plan 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.
- 19b. No part of the development within Phase 2 as detailed on drawing reference 5691/01 Rev N Site Layout Plan 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.
- 20 No part of the development shall be first occupied until visibility splays of 2.4 metres by 60 metres have been provided at the proposed site vehicular access onto Toddington Lane 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
- 21 No part of the development shall be first occupied until pedestrian visibility splays have been provided either side of the proposed pedestrian accesses onto Toddington Lane in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. These visibility splays shall thereafter be 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.

22 No part of the development shall be first occupied until the vehicle parking spaces and turning areas have 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 and turning space for the development.

23 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.

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24a. No development shall take place within Phase 1 as detailed on drawing reference 5691/01 Rev N Site Layout Plan, 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.

24b. No development shall take place within Phase 2 as detailed on drawing reference 5691/01 Rev N Site Layout Plan, 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.

25

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.

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No part of the development shall be occupied until the road, 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.

INFORMATIVE: Details regarding process for closure of existing crossovers/access can be obtained from: omc@westsussex.gov.uk

INFORMATIVE: Details of TRO process can be obtained from: westsussex.gov.uk

INFORMATIVE: Section 278 Agreement of the 1980 Highways Act - Works within the Highway.

The applicant is required to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

INFORMATIVE: Section 38 Agreement of the 1980 Highways Act - Provision of Adoptable Highway. The applicant is required to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the proposed adoptable on-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that any works commenced prior to the S38 agreement being in place are undertaken at their own risk.

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 C Cronin

Date of Decision:

11 December 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, and 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 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 of the date of this notice, whichever period expires earlier.

For all other cases, 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 at the Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or on line at www.planningportal.gov.uk/pcs

If this decision is a refusal relating to a minor commercial development, where the application was made on or after 1 October 2013, please note that you must appeal within 12 weeks of the date of this notice. For a definition of minor commercial development please refer to The Town and Country Planning (Appeals) (Written Representations Procedure and Advertisements) (England) (Amendment) Regulations 2013 or contact this office for clarification.

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).