

DECISION NOTICE

Application Ref: LU/152/20/RES

1 To Addressee

Persimmon Homes (Thames Valley)
Persimmon House
Knoll Road
Camberley
GU15 3TQ

2 Site Address

Fitzalan Link land between
A259 Worthing Road & East Street/
Fitzalan Road Roundabout
Littlehampton

3 Description of Development

Approval of reserved matters following LU/63/11 & LU/234/16/RES for construction of Fitzalan Link Road between A259 Worthing Road & the East Street/Fitzalan Roundabout. This application affects a Public Right of Way. This application is not CIL Liable as other development (Zero Rated).

4 In pursuance of their powers under this Act and related Orders and Regulations the Council **PERMIT** this development to be carried out in accordance with the application and plans and subject to the following conditions.

- 1 The development hereby approved shall be carried out as substantively shown in accordance with the following approved plans:

Drawing No. A088461 FL6 - Location Plan (1 of 2)
Drawing No. A088461 FL7 - Location Plan (2 of 2)
Drawing No. PHF-MB-S278-GF-DR-D-S278-01 Rev. P9 - Section 38/278 Agreement Drawing (1 of 2)
Drawing No. PHF-MB-S278-GF-DR-D-S278-02 Rev. P9 - Section 38/278 Agreement Drawing (2 of 2)
Drawing No. A088461 FL1 Rev. W - Landscaping Proposals (1 of 2)
Drawing No. A088461 FL2 Rev. W - Landscaping Proposals (2 of 2)
Drawing No. PHF-MB-S278-GF-DR-D-208-01 Rev. P4 - Topographical Survey Drawing
Drawing No. PHF-MB-S278-GF-DR-D-208-02 Rev. P3 - Topographical Survey Drawing
Drawing No. PHF-MB-S278-GF-DR-D-209-01 Rev. P8 - Site Clearance Drawing (1 of 2)
Drawing No. PHF-MB-S278-GF-DR-D-209-02 Rev. P6 - Site Clearance Drawing (2 of 2)

Drawing No. PHF-MB-S278-GF-DR-D-210-01 Rev. P17 - General Arrangement Drawing (1 of 2)
 Drawing No. PHF-MB-S278-GF-DR-D-210-02 Rev. P17 - General Arrangement Drawing (2 of 2)
 Drawing No. PHF-MB-S278-GF-DR-D-211-01 Rev. P10 - Construction Treatments Drawing (1 of 2)
 Drawing No. PHF-MB-S278-GF-DR-D-211-02 Rev. P9 - Construction Treatments Drawing (2 of 2)
 Drawing No. PHF-MB-S278-GF-DR-D-212-01 Rev. P11 - Drainage Drawing (1 of 2)
 Drawing No. PHF-MB-S278-GF-DR-D-212-02 Rev. P9 - Drainage Drawing (2 of 2)
 Drawing No. PHF-MB-S278-GF-DR-D-213 Rev. P7 - Proposed Traffic Signal Crossing
 Drawing No. PHF-MB-S278-GF-DR-D-219-01 Rev. P8 - String Labels Drawings (1 of 2)
 Drawing No. PHF-MB-S278-GF-DR-D-219-02 Rev. P6 - String Labels Drawings (2 of 2)
 Drawing No. PHF-MB-S278-GF-DR-D-220 Rev. P7 - Longitudinal Sections Along MFTZ and MCL1
 Drawing No. PHF-MB-S278-GF-DR-D-221 Rev. P6 - Cross Sections along MFTZ (1 of 2)
 Drawing No. PHF-MB-S278-GF-DR-D-222 Rev. P7 - Cross Sections along MFTZ (2 of 2) & MCL1
 Drawing No. PHF-MB-S278-GF-DR-D-230 Rev. P6 - Stockdale Crown Line Design
 Drawing No. PHF-MB-S278-GF-DR-D-231 Rev. P2 - Cross Sections Along MCR0 & MCR1
 Drawing No. PHF-MB-S278-GF-DR-D-232 Rev. P2 - Cross Sections Along MCR2 & MCR3

Arboricultural Report, prepared by WYG Environment Planning Transport Ltd. Rev: V1, 4th August 2016.

Gramm Barrier Systems Soundblok Range Technical Specification Note - Noise Barrier: Acoustic Fencing.

including recommendations of any Safety Audits, Design Checks, and any Traffic Regulation Order requirements (and any other alterations as may be reasonably required by the Local Highway Authority) to be provided to and agreed with the Local Planning Authority after consultation with the Local Highway Authority.

Reason: For the avoidance of doubt and in the interests of amenity and the environment and to ensure fit-for-purpose road constructed to appropriate design and safety standards in accordance with Policy D DM1 of the Arun Local Plan.

- 2 The development, hereby permitted, shall not come into use until the pedestrian and cycle accesses to the site have been constructed substantively in accordance with the approved plans, Design Checks, formal Public Rights of Way (PRoW) requirements and any Road Safety Audit (RSA) recommendations.

Reason: To ensure fit-for-purpose access on foot and by cycle roads constructed to appropriate design and safety standards and to encourage access by non-car modes, in accordance with Policy D DM1, Policy T SP1 and Policy T DM1 of the Arun Local Plan.

- 3 The northern section of the Fitzalan Link Road shall not be brought into use until any disused crossovers and/or accesses no longer required as part of the development, have been permanently removed and re-instated in accordance with Local Highway Authority specifications to be submitted to and approved by the Local Planning Authority after consultation with the Local Highway Authority.

Reason: To ensure that any access points not required to serve the development are permanently removed to avoid risk of inappropriate re-opening in the future and also in the interests of road safety, in accordance with Policy D DM1 and Policy T SP1 of the Arun Local Plan.

- 4 The northern section of the Fitzalan Link Road, hereby approved, shall only be brought into use once a suitable Signing Strategy has been provided to and been agreed by the Local Planning Authority after consultation with the Local Highway Authority to provide adequate information to

road users (e.g. directional signage, warning signage etc.).

Reason: In the interests of road safety, in accordance with Policy D DM1 and Policy T SP1 of the Arun Local Plan.

- 5 The northern section of the Fitzalan Link Road shall only be brought into use as per the terms of any Section 38/278 Agreement, the Section 106 Agreement and when appropriate connections have been made with the A259 Littlehampton Road works, also proposed by the applicant (referred to as 'Southern By-Pass' works in the Section 106 Agreement) and with the southern section of Fitzalan Road, already constructed.

Reason: In the interests of road safety, in accordance with Policy D DM1 and Policy T SP1 of the Arun Local Plan.

- 6 Protective fencing shall be retained intact - for the protection of the retained trees - until completion of the northern section of the Fitzalan Link Road hereby approved and shall not be removed or re-positioned without the prior written approval of the Local Planning Authority, in strict accordance with the Arboricultural Report, prepared by WYG Environment Planning Transport Ltd., Rev: V1, 4th August 2016.

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 ENV DM4 of the Arun Local Plan.

- 7 The northern section of the Fitzalan Link Road shall not be brought into use until the 3.5 metre high acoustic barrier constructed in Ridged Panels in Weathering Steel, manufactured by Gramm Barrier Systems Limited has been completed and will be maintained in place thereafter in the locations identified on Drawing No. PHF-MB-S278-GF-DR-D-S278-01 Rev. P9 - Section 38/278 Agreement Drawing (1 of 2) and Drawing No. PHF-MB-S278-GF-DR-D-S278-02 Rev. P9 - Section 38/278 Agreement Drawing (2 of 2).

Reason: In the interests of the environment of the development, in accordance with Policy D DM1 and Policy QE DM1 of the Arun Local Plan.

INFORMATIVE: To enter into a Section 59 Agreement under the 1980 Highways Act to cover an increase in extraordinary traffic that might result from construction vehicles and to enable the recovery of costs of any potential damage that may result to the public highway as a direct consequence of the construction traffic, the Applicant should contact the Highway Officer (01243 642105) in order to commence this process.

INFORMATIVE: Public Rights of Way (PRoW) requirements must be obtained from WSCC PRoW Team via WSCC website. No alterations should be made to any PRoW unless and until all necessary permissions have been granted by the PRoW Team and/or Legal Department. This planning permission is subject to the approval of the diversion of the two PROW affected by the proposed development. The diversion application is subject to public consultation which must be completed before commencement on-site.

INFORMATIVE: Any crossings of ditches or watercourses will require land drainage consent from the land drainage authority.

INFORMATIVE: It is essential that the contractor contact Southern Water before they commence development on site as the site is located over a critical distribution water main.

INFORMATIVE: Any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird nesting 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).

INFORMATIVE: The Ecologist has requested a pre-works check must be undertaken by a CIEEM ecologist

within 24 hours of the works. If any active nests are found, then an appropriate buffer zone is to be established and left intact until the nest is no longer in use. In addition if animal burrows are identified during site clearance, then these should be inspected by an ecologist prior to removal.

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 assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission 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: Michael Eastham

Decision Issued: **6th August 2020**

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).