

TOWN AND COUNTRY PLANNING ACT 1990



DECISION NOTICE

Application Ref: LU/229/10/

1 To Addressee

Savills
Brunswick House
Brunswick Place
Southampton
Hampshire
SO15 2AP

2 Site Address

Windroos Nursery
Worthing Road
Littlehampton
BN17 6LY

3 Description of Development

Outline application for redevelopment of site: Demolition of 2 bungalows, workshop, glasshouses and incidental development with erection of 91 dwellings with improved means of access onto worthing road (including closure of existing 2 accesses) with all other matters reserved.

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

CONDITION 1 The permission hereby granted is an outline permission under Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995 and an application for the approval of the Local Planning Authority to the following matters must be made not later than the expiration of 5 years beginning with the date of this permission:-

- (a) Layout;
- (b) Scale;
- (c) Appearance;
- (d) Landscaping.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

- CONDITION 2 The development hereby permitted shall be begun either before the expiration of 5 years from the date of this permission, or before expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

- CONDITION 3 This permission relates to the following approved plans:-

Site Plan. Scale: 1:1250@ A4. Drawing No. 01.
 Site Plan. Scale 1:500@ A1. Drawing No. 01.
 Indicative Site Layout. Scale 1:500@ A1. Drawing No. 03 Rev C.
 Access Plan. Scale 1:500@ A1. Drawing No. 02.
 Sightline Survey. Scale 1:500@ A1. Drawing No. 022.1832.S1.

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.

- CONDITION 4 No development shall be carried out until all buildings and structures existing on the application site at the date of this permission have been demolished, the debris removed from the site and the site cleared.

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

CONDITION 5 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 an 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 any contamination related to the historic and recent site uses does not cause pollution to controlled waters due to the development in accordance with PPS23 and Policy GEN26 of the Arun District Local Plan.

CONDITION 6 Prior to occupation of any part of the development hereby permitted, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

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 policies GEN7 and GEN31 of the Arun District Local Plan.

- CONDITION 7 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 policies GEN7 and GEN31 of the Arun District Local Plan.

- CONDITION 8 No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To ensure that surface water drainage does not mobilise or cause pollution to controlled waters in accordance with PPS23 and Policy GEN26 of the Arun District Local Plan.

- CONDITION 9 Development shall not commence until a surface water drainage scheme for the site, based on sustainable drainage principles and including an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority, in consultation with Southern Water and the Environment Agency. The scheme shall also include:
- a "Surface water Management Statement, or a SUDS Design Statement detailing the management train processes;
 - details of how the scheme shall be maintained and managed after completion;
 - details of how the scheme relates to any identified contamination and risk assessment;
 - information of pollution prevention.

The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To ensure that the development is satisfactorily drained and to protect groundwater quality from sources of pollution or mobilisation of contamination in accordance with PPS23 and Policies GEN7, GEN9 and GEN26 of the Arun District Local Plan.

- CONDITION 10 Infiltration rates for soakaways and SUDS systems are to be based on tests undertaken over the wetter winter period. The design should be based on BRE 365, and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the highest recorded groundwater table. It must also have provision to ensure that there is capacity in the system to contain below the lowest ground level the 1 in 100 year event plus 20% rainwater volumes.

Any Sustainable Urban Drainage Scheme (SUDS) or soakaway design must include 12 months of groundwater table monitoring data to determine the typically highest annual groundwater table in support of the design.

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

CONDITION 11 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 information shall be submitted to an approved, in writing, by the local planning authority:

1) A vehicle swept path analysis to support the movement framework for emergency vehicles and refuse vehicles, both within the internal layout and where appropriate in respect off-site highway proposals. Any issues identified within this analysis need to be addressed.

2) A clear indication of the areas to be offered for highway adoption is required for the internal layout-prior to the commencement of development. Details of street furniture, materials, street lighting specifications etc should all be included to support site master planning process.

3) Prior to any development a Construction Traffic Management Plan must be submitted and approved by the County Council.

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

CONDITION 12 The development hereby approved, shall not be commenced until such time as a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan once approved shall thereafter be implemented and monitored as agreed. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

Reason: To encourage and promote sustainable transport amongst residents and visitors to the residential development in accordance with PPG13.

CONDITION 13 The development permitted by this planning permission shall only be carried out in accordance with the approved Extended Phase 1 Habitat Survey Report - Bat Survey. Reptile Habitat Assessment July 2010. The clearing of remaining vegetation, must not be carried out during the bird nesting season. A reptile survey shall be carried out prior to works commencing on site and submitted to the Local Planning Authority for approval. Vegetation on the western boundary shall be retained, as recommended in the tree protection plan. Bat and bird boxes shall be provided to enhance the ecological potential of the site and mitigate for the loss of mature vegetation.

The development shall be carried out in a accordance with the approved details and any subsequent amendments shall be agreed in writing with the local planning authority.

Reason: This condition is necessary to ensure that Reptiles and its habitat is protected both within and adjacent to the development site. Without this condition, it is possible that avoidable damage could be caused to the nature conservation value of the site contrary to national planning policy as set out in Planning Policy Statement 9 and Planning Policy Statement 1. The applicant could also be liable to criminal prosecution under the Wildlife and Countryside Act 1981 (as amended by CROW 2000) and the Habitats Directive regulations for European Protected species.

CONDITION 14 No development shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme. The approved details of the landscaping shall be carried out in the first planting and seeding season, 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 five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

CONDITION 15 No trenches or pipe runs for services and drains shall be cut or laid within 5 metres of the bole of any existing tree to be retained on this or adjoining sites.

Reason: To protect tree roots from damage likely to lead to the loss of the tree in the interests of the visual amenities of the locality in accordance with policy GEN7 of the Arun District Local Plan.

CONDITION 16 No development, including site works of any description, shall take place on the site unless and until all the existing trees/bushes/hedges to be retained on the site have been protected by a fence to be approved by the Local Planning Authority erected around each tree or group of vegetation at a radius from the bole or boles of 5 metres or such distance as may be agreed in writing by the Local Planning Authority. Within the areas so fenced off the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant machinery or surplus soil shall be placed or stored thereon without the prior written approval of the Local Planning Authority. If any trenches for services are required in the fenced off areas they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left unsevered.

In addition, the following shall be adhered to as part of the development hereby approved:-

- The fencing associated with the Hawthorn Hedge (H17) on the north western boundary, must have tree protection fencing extending 5m from the base of the trees.
- The Oak Tree (T11) must be protected with adequate fencing according to the BS5837 (2005) by providing substantial fencing to a distance of at least 5.5m.
- The three Monterey Pines (G16) to the east of the eastern boundary should not be cut to the fence boundary as proposed by the Ecourban consultants.

Any trees removed without such consent or dying or being seriously damaged or becoming seriously diseased during that period shall be replaced in the following planting season with trees of such size and species as may be agreed with the Local Planning Authority.

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

CONDITION 17 The burning of materials obtained by site clearance or from any other source shall not take place within 6 metres of the furthest extent of the canopy of any tree or group of trees to be retained on the site or on land adjoining.

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

CONDITION 18 No development shall take place until the following information, relating to noise attenuation has been submitted to, and approved by, the Local Planning Authority, in consultation with the Councils Environmental Health Officers:-

- Details of façade attenuation measures proposed to habitable rooms fronting the A259 and the adjacent Watersmead Business Park (current plans do not indicate a boundary with the railway line);
- A specification of boundary attenuation measures indicated in the north-east corner of the site;
- A survey of the background noise adjacent to the north east boundary.

The development shall be carried out in accordance with the approved details.

Reason: To protect the amenities of occupiers of adjoining properties in accordance with Arun District Local Plan Policies GEN7 and GEN32.

CONDITION 19 An archaeological investigation of the site shall be carried out at the expense of the developer in accordance with a specification to be submitted to an 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, in accordance with saved policy AREA17 of the Arun District Local Plan and PPS5 (Planning for the Historic Environment).

CONDITION 20 No dwelling shall be occupied until space has been laid out within the site for the parking of cars in accordance with a drawing and schedule to be submitted and approved in writing by the local planning authority. These areas shall thereafter not be used for any purpose other than the parking of cars.

Reason: To accord with the parking requirements in accordance with Policy GEN7 of the Arun District Local Plan.

CONDITION 22 INFORMATIVE:

The applicant/ developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (Tel: 01962 856688) or www.southernwater.co.uk

INFORMATIVE: Summary of Reasons for Grant Article 31 Development Management Procedure Order 2010

SUMMARY

This planning permission is granted because it complies with the policies listed below in that this is an allocated site, as referred to in saved Policy Site 7 of the Arun District Local Plan

and therefore the principle of residential development in this location has been accepted. Subject to the submission of a satisfactory reserved matters application, it is considered that the proposal would not have a materially adverse effect on the visual amenities of the locality or the residential amenities of any adjoining properties, nor would it have an adverse impact upon the established character of the surrounding residential area and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

LOCAL PLAN: GEN2, GEN5, GEN7, GEN8, GEN9, GEN12, GEN18, GEN20, GEN32, DEV17.

NATIONAL POLICIES: PPS1, PPS3, PPS9, PPG13, PPG17, PPG24.

This is only a summary of reasons for granting to comply with Article 31 and full reasons appear in the Officer report.

INFORMATIVE:

The applicant is advised of the consultation response, which was received from Sussex Police on 2nd September 2010 and is available to view on the Councils website (www.arun.gov.uk). These comments should be taken into consideration as part of any reserved matters application.

INFORMATIVE:

The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.

INFORMATIVE:

This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0845 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.

INFORMATIVE:

Please note that related to this permission is an agreement under Section 106 of the Town & Country Planning Act 1990.

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

Case Officer: Mrs C Rodway

Date of Decision:

28th September 2011

Date Decision Issued:

28th September 2011



Karl Roberts
Assistant Director Planning Services &
Housing Strategy

IT IS IMPORTANT THAT YOU READ THE NOTES ATTACHED TO THIS DOCUMENT

NOTES RELATING TO PLANNING APPLICATION TOWN AND COUNTRY PLANNING ACT 1990

APPEALS TO THE SECRETARY OF STATE

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the First Secretary of State under section 78 of the Town and Country Planning Act 1990.

If 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/pcs

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).