



**The Town & Country Planning Act 1990 (as amended)
Town & country Planning (Development Management
Procedure) (England) Order 2015 - Article 6**

**Application for Approval of Reserved Matters Following
Outline Approval**

DECISION NOTICE

Application Ref: LU/234/16/RES

1 To Addressee

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

2 Site Address

Fitzalan Link Road
Littlehampton

3 Description of Development

Application for reserved matters relating to access, appearance, landscaping, layout and scale of the previously approved LU/63/11/. This application affects a Public Right of Way

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:

PHF-MB-S278-GF-DR-D-208-02 Rev P2 Topographical Survey Drawing (1 of 2)
 PHF-MB-S278-GF-DR-D-208-02 Rev P2 Topographical Survey Drawing (2 of 2)
 PHF-MB-S278-GF-DR-D-209-01 Rev P3 Site Clearance Drawing (1 of 2)
 PHF-MB-S278-GF-DR-D-209-02 Rev P3 Site Clearance Drawing (2 of 2)
 PHF-MB-S278-GF-DR-D-210-01 Rev P8 General Arrangement Drawing (1 of 2)
 PHF-MB-S278-GF-DR-D-210-02 Rev P9 General Arrangement Drawing (2 of 2)
 PHF-MB-S278-GF-DR-D-211-01 Rev P4 Construction Treatments Drawing (1 of 2)
 PHF-MB-S278-GF-DR-D-211-02 Rev P4 Construction Treatments Drawing (2 of 2)
 PHF-MB-S278-GF-DR-D-212-01 Rev P4 Drainage Drawing (1 of 2)
 PHF-MB-S278-GF-DR-D-212-02 Rev P4 Drainage Drawing (2 of 2)
 A088461 FL1 (rev H) Landscape Drawing
 A088461 FL2 (rev H) Landscape Drawing

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 Highway Authority) to be provided to and agreed with the Local Planning Authority after consultation with the 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 GEN7 of the Arun District Local Plan.

- 2 The development, hereby permitted, shall not be constructed 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 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 GEN7 of the Arun District Local Plan.

- 3 The 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 reinstated in accordance with Highway Authority specifications to be submitted to and approved by the Local Planning Authority after consultation with the 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 GEN7 of the Arun District Local Plan.

- 4 The development, hereby approved, shall only be brought into use once a suitable signing strategy has been provided to and agreed by the LPA 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 GEN7 of the Arun District Local Plan .

- 5 The Link Road shall only be brought into use as per the terms of any S38/278 Agreement, the S106 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 S106 Agreement) and with the southern section of Fitzalan Road, already constructed.

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

- 6 Protective fencing shall be retained intact - for the protection of the retained trees - until completion of the Link Road hereby approved and shall not be removed or re-positioned without the prior written approval of the Local Planning Authority.

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

- 7 Prior to the commencement of development, details of the 3.5 metre high acoustic barrier shall be submitted and be approved by the Local Planning Authority. The Link Road shall not be brought into use until such acoustic barriers have been completed.

Reason: In the interests of the environment of the development, in accordance with Arun District Local Plan policies GEN7 and GEN32.

INFORMATIVE: Applications for S38 and/or S278 Agreements should be made to WSCC as Highway Authority. Full details are available on the WSCC website.

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: 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.

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: 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.



Neil Crowther
Group Head of Planning

Case Officer: Michael Eastham

Date of Decision:

19 October 2017

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 12 weeks 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.

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).

