



DECISION NOTICE

Application Ref: LU/294/08/

1 To Addressee

Hargreaves Developments Ltd
Rustington House
Worthing Road
Rustington
West Sussex
BN16 3PS

2 Site Address

Former HRI Site (The Poplars)
Worthing Road
Littlehampton

3 Description of Development

Amendment to previously approved development (LU/454/07) - revised layout to accommodate revised house types for a total of 36 No. 1, 2 & 3 bedroom houses (Plots 205-240 Affordable Housing Units) along with associated car parking and access

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 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).

CONDITION 2 No development shall be carried out unless and until a schedule of materials and finishes and samples of such 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 and the materials 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 and by endeavouring to achieve a buildings of visual quality in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

- CONDITION 3 No development shall take place until details of boundary treatment, including to Brookfield Park, have been submitted to and approved by the Local Planning Authority and no dwellings/buildings shall be occupied until such boundary treatment associated with them have been erected.
- Reason: In the interests of amenity in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.
- CONDITION 4 Before development is commenced details of the on-site play areas shall be submitted to and agreed in writing by the Local Planning Authority. The plays areas, as agreed, shall be installed and available for use before the completion of the development or the occupation of the 100th dwelling, whichever is the soonest.
- Reason: To ensure adequate on-site play provision in accordance with policy GEN8 of the Arun District Local Plan.
- CONDITION 5 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies to BS 5911:1982 with an overall capacity compatible with the site being drained.
- Reason: In order to prevent pollution of the water environment in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.
- CONDITION 6 Clean, uncontaminated rock, subsoil, brick rubble, crushed concrete and ceramic only shall be permitted as infill material.
- Reason: To prevent pollution of controlled waters in accordance with policy GEN26 of the Arun District Local Plan.
- CONDITION 7 The first floor landing windows on the north east side elevation of Plot No. 215; north east side elevation of Plot No. 219; north east side elevation of Plot No. 225 and south west side elevation of Plot No. 234 shall at all times be glazed with obscured glass.
- Reason: To protect the amenities and privacy of the adjoining property in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.
- CONDITION 8 No windows (other than those shown on the plans hereby approved) shall be constructed at first floor level or above in the north east side elevation of Plot No. 215; north side elevation of Plot No. 219; north east side elevation of Plot No. 225; south west side elevation of Plot No. 234; north west side elevation of Plot No. 235 without the prior permission of the Local Planning Authority on an application in that behalf.
- Reason: To protect the amenities and privacy of the adjoining property in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7, DEV19 of the Arun District Local Plan.
- CONDITION 9 Building work shall not commence until details of the space to be laid out for stationing vehicles clear of the public carriageway have been approved by the Local Planning Authority and the building shall not be occupied until such space has been surfaced, drained and completed. The space so approved shall not thereafter be used other than for parking of vehicles in connection with the development hereby permitted.
- Reason: In the interests of road safety in accordance with policies DEV1, NE17 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

CONDITION 10 No dwelling, hereby approved, shall be occupied until secure, cycle parking spaces (in accordance with the minimum requirements as set out by WSCC) have been provided for each dwelling in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. These cycle parking specie shall thereafter be retained at all times for this designated use.

Reason: To provide on-site cycle parking spaces for the dwelling in accordance with policies DEV1, NE17 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

CONDITION 11 Prior to the commencement of development on site details of noise attenuation measures shall be provided and approved in writing by the Local Planning Authority. This shall include the following:

- a) a phasing plan showing the order in which dwellings are to be constructed and occupied relative to the timing of the provision of the noise attenuation measures,
- b) acoustic glazing and ventilation which shall be installed in dwellings which are to be identified in the phasing plan.

The development shall proceed only in accordance with the details and phasing plan thus approved and no dwelling subject to the phasing plan shall be occupied until the noise attenuation measures approved for the phase have been fully implemented. The noise attenuation measures shall thereafter be retained in a good state of repair unless the Local Planning Authority provides prior written approval for any variation.

Reason: To safeguard the amenities of neighbouring properties and their occupiers in accordance with policies DEV1 of the West Sussex Structure Plan and Policy GEN32 of the Arun District Local Plan.

CONDITION 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 remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: There is a shallow groundwater table present, which must be protected from any areas of contamination which may not have been identified and characterised previously during intrusive site investigations. This is in accordance with guidance issued in Planning Policy Statement 23: Planning and Pollution Control.

INFORMATIVE:

Summary of Reasons for Grant Article 22(1) General Development Procedure Order 1995

SUMMARY

This planning permission is granted because it complies with the policies listed below in that it would not cause demonstrable harm to the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

STRUCTURE PLAN: LOC1, CH1, DEV1, DEV2, DEV3, DEV4, DEV5, NE17, ERA1, ERA2.

LOCAL PLAN: GEN1, GEN2, GEN7, GEN10, GEN32.

NATIONAL POLICIES: PPS1, PPS3, PPG13, PPG25.

This is only a summary of reasons for granting to comply with Article 22 and full reasons appear in the Officer report.

INFORMATIVE:

Please note that related to this permission there is an agreement under Section 106 of the Town & Country Planning Act 1990. The agreement was received under planning application ref:LU/221/03/ although allows variation under clause 18.8 which reads as follows:-

'This Agreement shall apply to the Development as authorised by the planning permission issued pursuant to the planning application or to the Development after variation or renewal of the planning permission from time to time'.

The applicants attention is drawn to Part 5 of the Agreement, no more than 20 market units can be disposed of until the transfer of the affordable housing land to an RSL has been completed.

5.5 Requires the owner to notify the Arun District Council of the date of first offer of the affordable housing land to an RSL for transfer.

INFORMATIVE:

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The cycle route, as agreed in writing by letter dated 7th August 2006, shall be implemented and available for use within one month of the completion of the development or the occupation of the 100th unit of accommodation, whichever is the soonest.

INFORMATIVE:

The approval of this application does not purport to grant permission for the siting or construction of the foul water pumping station to the North West corner of the site approved under LU/439/03 adjacent to the LEAP.

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:

18th December 2008

Date Decision Issued:

18th December 2008



Zachary Ellwood
Interim Head of Development Control

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 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 Planning Inspectorate, Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN.

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 First 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 District Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions 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).