



**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/63/11/

1 To Addressee

Mr J Gardiner
The Loft
St Clairs Farm
Wickham Road
Droxford
Hampshire
SO32 3PW

2 Site Address

Fitzalan Link Road
Littlehampton

3 Description of Development

Outline Application for the construction of the "Fitzalan Link Road" between the A259 Worthing Road & the East Street/Fitzalan Road roundabout - This application affects a Public Right of Way

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 compliance with the conditions specified.

- 1 Details of the appearance, landscaping and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

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).

- 2 Application for approval of the reserved matters shall be made to the Local Planning Authority not later than five years from the date of this permission.

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).

- 3 The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 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).
- 4 No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The approved Plan shall be adhered to throughout the construction period. The Statement shall provide for:
- i. The parking of vehicles of site operatives and visitors;
 - ii. Public Safety, Amenity and Site Security;
 - iii. Loading and unloading of plant and materials;
 - iv. Storage of plant and materials used in constructing the development;
 - v. The erection and maintenance of security hoarding;
 - vi. Stormwater and Sediment Control;
 - vii. Lighting requirements for construction compound;
 - viii. The traffic management to be used by construction vehicles to enter and exit the site;
 - ix. Measures to control the emission of dust and dirt during construction;
 - x. Waste and Materials Re-use;
 - xi. Building, engineering and other operations to be carried out only between the hours of 0800 and 1800 Monday to Friday, 0800 to 1300 Saturdays and shall not be carried out at any time on Sundays or Public Holidays;
 - xii. Noise and vibration controls and mitigation.
- Development shall be carried out in accordance with the approved Construction Method Statement.
- Reason: In the interests of amenity in accordance with Arun District Local Plan policies GEN7 and GEN32.
- 5 Prior to construction within any phase or sub phase of development, vehicle wheel cleaning facilities and a highway cleaning strategy shall be submitted to and agreed in writing by the Local Planning Authority. All construction vehicles involved in constructing or building the development exiting the site shall have all tyres and wheels cleaned before entering the highway.
- Reason: In the interest of good practice and to ensure that impacts from the construction phase of the development are reduced.
- 6 No development shall commence until updated ecological surveys in respect of reptiles, badgers and bat roost emergence have been carried out and submitted to the local planning authority with any recommended additional surveys completed and the results submitted together with any mitigation strategy to support the detailed application(s). The development shall be carried out in accordance with the approved mitigation scheme.
- Reason: In the interests of amenity and of the environment of the development in accordance with Policy GEN7 of the Arun District Local Plan.

- 7 No development shall commence until a suitable reptile receptor site has been located and enhanced as appropriate. This and details of the full mitigation plan will support the detailed application(s) and the development shall be carried out in accordance with these approved details.

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

- 8 The landscaping and layout particulars to be submitted in accordance with Condition 1 for the development shall include:

- i. Details of all existing trees and hedgerows on the land, showing which are to be retained and which removed;
- ii. Details of the positions, height, design, materials and type of boundary treatment to be provided;
- iii. Details of any proposed alterations in existing ground levels, and of the position of any proposed excavation, within the crown spread of any retained tree.
- iv. The detailed landscape design for the development including the layout and design of the public realm within the development.
- v. Details of the surfacing, lighting, and signage of all footpaths and cycle routes, and a phasing plan for their provision;

No hedge or tree shall be felled, uprooted or otherwise removed before, during or after the construction period except where removal is indicated on a plan approved by the Local Planning Authority.

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

- 9 a. Prior to the commencement of development or other operations likely to affect trees being undertaken on site a scheme for the protection of the retained trees produced in accordance with BS5837 (Trees in Relation to Construction 2005: Recommendations), which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site, shall be submitted to and approved in writing by the Local Planning Authority.
No development or other operations shall take place except in complete accordance with the approved protection scheme.

b. No operations affecting trees shall be undertaken on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and/or widening of any operations involving the use of motorised vehicles or construction machinery) until the protection works required by the approved protection scheme are in place.

c. No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved scheme.

d. Protective fencing shall be retained intact until completion of the phase or sub phase 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 amenity and of the environment of the development in accordance with Policy GEN7 of the Arun District Local Plan.

- 10 Landscaping (hard and soft) shall be carried out in accordance with the approved details. All planting, seeding or turfing comprised in the approved details shall be carried out in the first planting and seeding seasons following the opening of the road or the completion of the development, 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.
- 11 Prior to the commencement of development, details of proposed street lighting shall be submitted to, and approved in writing by, the local planning authority. The development shall thereafter be constructed in accordance with approved details.
- Reason. To control light pollution in accordance with policy GEN33 of the Arun District Local Plan.
- 12 Prior to the commencement of development, a scheme for the maintenance of the existing pedestrian and cycle routes during the construction period shall submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.
- Reason. In the interests of visual amenity and access in accordance with policy GEN7 and GEN15 of the Arun District Local Plan and because adequate details have been submitted in the current application.
- 13 Prior to the commencement of development, a scheme detailing matters including surface materials, street furniture, signage, location and design of bus stops shall be submitted to, and approved in writing by, the local planning authority. The development shall thereafter be constructed in accordance with approved details.
- Reasons: In the interests of visual amenity and to accord with approved policy in accordance with Policy GEN7 of the Arun District Local Plan.
- 14 Before the commencement of the development hereby permitted, details of the layout and specification of and construction programme for the roads, footpaths and cycleways shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these approved details.
- Reasons: In the interests of road safety and to accord with approved policy in accordance with Policy GEN7 of the Arun District Local Plan.
- 15 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.
- Reason: In order to ensure that archaeological features on the site will be properly recorded before development.

- 16 No development shall commence until such time as a scheme to dispose of surface water drainage has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.
- Reason: The site lies on a principal aquifer and must be protected against pollution in accordance with policies GEN9 and GEN26 of the Arun District Local Plan.
- 17 No development shall commence until such time as a scheme to treat and remove suspended soils from surface water run-off during construction works has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.
- Reason: The site lies on a principal aquifer and must be protected against pollution in accordance with policies GEN9 and GEN26 of the Arun District Local Plan.
- 18 No development shall take place until a scheme of noise mitigation measures to reduce the impacts of noise from the proposed highway affecting residential or commercial properties in the area has been submitted to and been approved in writing by the local planning authority. This shall include details of the height, specification and positioning of noise barriers.
- The approved scheme shall be implemented prior to the commencement of the use and be permanently maintained thereafter.
- Reason: In order that noise levels may be agreed prior to the commencement of works on site and to safeguard the amenities of nearby occupiers.
- 19 INFORMATIVE 1
- Design standards for the layout and construction of roads and junctions shall be in accordance with the requirements of the County Highway Authority.
- 20 INFORMATIVE 2
- If it is the applicant's intention to offer any of the roadworks included in the application for adoption as maintainable highways, permission under the Town and Country Planning Act should not be construed as approval to the highway engineering details necessary for inclusion in an Agreement under Section 38 of the Highways Act 1980.
- 21 INFORMATIVE 3
- If it is the applicant's intention to carry out any of the roadworks included in the application so that they affect maintainable highways, permission under the Town and Country Planning Act should not be construed as approval to the highway engineering details necessary for inclusion in an Agreement under Section 278 of the Highways Act 1980.
- 22 INFORMATIVE 4
- The applicant is advised that Public Footpaths Number 3103 and 3654 cross the application site and it is an offence to obstruct or divert the route of a right of way unless carried out in complete accordance with appropriate legislation.

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

Case Officer: Mr N Crowther

Decision Issued: **6 June 2012**



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).