



Town & Country Planning Act 1990 (as amended)
Town & country Planning (Development Management
Procedure) (England) Order 2015 - Article 5
Application for Outline Consent
DECISION NOTICE

Application Ref: P/58/15/OUT

1 To Addressee

Neame Sutton Limited
 Ms A Sutton
 Coles Yard Barn
 North Lane
 Clanfield
 Hampshire
 PO80RN

2 Site Address

Land at Summer Lane
 Pagham
 PO21 4NG

3 Description of Development

Outline application with some matters reserved for the erection of 90 No. dwellings with associated access & open space. This is a Departure from the Development Plan.

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 following conditions and Section 106 Agreement.

- 1 The permission hereby granted is an outline permission under s92 of the Town and Country Planning Act 1990 (as amended) and an application for the approval of the Local Planning Authority to the following matters must be made not later than the expiration of 3 years beginning with the date of this permission:-

- (a) Layout;
- (b) Scale;
- (c) Appearance; and
- (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).

- 2 The development hereby permitted shall be begun either before the expiration of 3 years from the date of this permission, or before the expiration of 2 years from the date of approval of the last reserved matters to be approved, whichever is 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.
- 3 The development shall be carried out in full accordance with the following approved plans:
- DLA.1552.L003.01 Rev D;
120843/A/11 Rev C;
120843/A/05 Rev B;
120843/SK/13 Rev A;
120843/SK/14 Rev A;
120843/AT/A01 Rev A;
120843/AT/A02 Rev A;
120843/SK/15 Rev A; and
the Ecological Assessment (April 2015).
- Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.
- 4 The development hereby permitted shall be limited to no more than 90 dwellings and the reserved matters submitted pursuant to condition no1 shall generally accord with the principles shown on the drawing entitled 'Block Plan'.
- Reason: In order to ensure that the development does not exceed the parameters set out in the application.
- 5 The buildings hereby approved shall not exceed two-storeys in height.
- Reason: In order to ensure the development is consistent with the details applied for, and in order to ensure there is no significant impact on the character and appearance of the area, in compliance with policy GEN7 of the Arun District Local Plan.
- 6 Detailed plans and particulars of the Reserved Matters submitted to the Local Planning Authority pursuant to Condition no1 shall include a phasing plan and schedule to show how the development of the site is to be carried out in numbered phases. The development shall be carried out in accordance with the approved schedule and phasing.
- Reason: In order to ensure where development is to be carried out in phases, that the impacts can be properly controlled and monitored so as to ensure there is no significant impact on residential amenity or highway safety, in compliance with policy GEN7 of the Arun District Local Plan.
- 7 Prior to the commencement of development, details of a foul water drainage system (including details of its siting, design and subsequent management/maintenance, if appropriate) shall be submitted to the Local Planning Authority for written approval. No dwelling shall be occupied until works for the disposal of sewage have been fully implemented in accordance with the approved details.
- Reason: To ensure the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Local Plan.

- 8 Prior to the commencement of any site clearance or preparation works, a detailed ecological mitigation and enhancement scheme, including timing for implementation, shall be submitted to the Local Planning Authority for approval. The scheme shall be based on the mitigation and enhancement details set out in section 9 of the submitted Ecological Assessment dated April 2015. The scheme shall include provision for further badger survey work and sensitive hedgerow and vegetation removal. The development shall be carried out in accordance with the approved scheme and timetable.

Reason: To ensure adequate protection and enhancement of biodiversity interests in accordance with the provisions of the NPPF and policies GEN23 and GEN29 of the Arun District Local Plan (2003).

- 9 Detailed plans and particulars of the Reserved Matters submitted to the Local Planning Authority for approval pursuant to Condition no1 shall include full details of a proposed surface water drainage scheme. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, the recommendations of the SUDS Manual produced by CIRIA.

Winter groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage.

No building shall be occupied, in each respective phase, until the complete surface water drainage system serving the dwellings in each respective phase has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

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

- 10 The development shall not proceed until written consent has been approved in writing from the Lead Local Flood Authority (WSCC) or its agent (ADC) for the discharge of any flows to watercourses, or the culverting, diversion, infilling or obstruction of any watercourse on the site. Any discharge to a watercourse must be at a rate no greater than the pre-development run off values.

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

- 11 Prior to the occupation of any dwelling hereby approved, full details of the maintenance and management of the SuDs system set out in a site-specific maintenance manual, shall be submitted to and approved in writing by the Local Planning Authority. The manual shall include details of financial management and arrangements for the replacement of major components at the end of the manufacturers recommended design life. Upon completed construction of the SuDs System, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.

Reason: To ensure the efficient maintenance and on-going operation of the SuDs system and to ensure the best practice in line with guidance set out in 'The SuDs Manual' CIRIA publication ref: C697 Chapter 22.

- 12 Detailed plans and particulars of the Reserved Matters submitted to the Local Planning Authority for approval pursuant to Condition no1 shall include full details of vehicular access onto Summer Lane. The development shall be carried out in accordance with the approved details and shall be implemented prior to the occupation of any dwelling in each respective phase.
- Reason: In the interests of road safety and in accordance with policy GEN7 of the Arun District Local Plan.
- 13 Visibility splays of 2.4 metres by 25 metres shall be provided at the proposed site vehicular accesses onto Summer Lane in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed. The approved details shall be implemented prior to the occupation of any dwelling in each respective phase.
- Reason: In the interests of road safety and in accordance with policy GEN7 of the Arun District Local Plan.
- 14 No part of the development in any phase shall be first occupied until a footway has been constructed along the north side of Summer Lane, the Summer Lane/Pagham Road junction has been realigned, and the other works as indicatively shown on drawing number 120843/A11 Revision C have been provided in accordance with plans and details submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority.
- Reason: In the interests of highway safety and in accordance with policy GEN7 of the Arun District Local Plan.
- 15 Detailed plans and particulars of the Reserved Matters submitted to the Local Planning Authority for approval pursuant to Condition no1 shall include full details of the proposed parking bay and crossing point on Summer Lane, as detailed on the submitted plan entitled 'Block Plan. The development shall thereafter be carried out in full accordance with the approved details and implemented in full before the first dwelling is occupied.
- Reason: To ensure that parking provision is provided along Summer Lane and that the area of public open space is accessible to residents and the wider community in accordance with policy GEN7 of the Arun District Local Plan.

- 16 No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:
- the anticipated number, frequency and types of vehicles used during construction;
 - the method of access and routing of vehicles during construction;
 - the parking of vehicles by site operatives and visitors;
 - the loading and unloading of plant, materials and waste;
 - the storage of plant and materials used in construction of the development;
 - the erection and maintenance of security hoarding;
 - the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders);
 - measures to control noise and vibration during construction;
 - measures to control the emission of dust and dirt during construction; and
 - details of public engagement both prior to and during construction works.
- Reason: In the interests of highway safety and the amenities of the area.
- 17 No development shall take place within each respective phase of development until the applicant 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 by the Planning Authority. The development shall be carried out in accordance with the approved details.
- Reason: In order to ensure any archaeological interests are properly protected or documented in accordance with policy GEN7 of the Arun District Local Plan.
- 18 Detailed plans and particulars of the Reserved Matters submitted to the Local Planning Authority for approval pursuant to Condition no1 shall include the full details, measures, monitoring and subsequent reporting, as set out in the approved Travel Plan which is included in the submitted Transport Statement. The approved measures shall be implemented in full prior to the occupation of any dwelling hereby approved.
- Reason: To minimise the traffic generated by the proposal in accordance with policy GEN7 of the Arun District Local Plan.
- 19 Development shall not commence in each respective phase of development (including site clearance), until the mitigation measures detailed in the submitted Tree Survey and Arboricultural Impact Assessment have been implemented in full. The mitigation measures shall be retained in full during the construction phase of each respective phase of development.
- Reason: In order to protect existing trees within close proximity of the site during the construction phase and in accordance with GEN7 of the Arun District Local Plan.

20 Detailed plans and particulars of the Reserved Matters submitted to the Local Planning Authority for approval pursuant to Condition no1 shall include a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscape areas other than privately owned domestic gardens. The landscape management plan shall be implemented in accordance with the approved details.

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

21 No development shall take place until details of laying out, timetable for provision and maintenance of the area shown on the approved plans for Public Open Space have been submitted to and approved in writing by the Local Planning Authority. The layout details submitted under planning condition 1 (layout) shall define the boundaries of the Public Open Space areas, their intended use, any items of equipment, means of enclosure and all other structures to be installed. The scheme shall also include details of dedicated dog walking routes and 'off lead' dog walking areas. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the proposed Public Open Space is provided to an acceptable standard within an agreed timescale in accordance with policies GEN7 and GEN8 of the Arun District Local Plan and in order to mitigate against potential impacts on Pagham Harbour SPA in accordance with the NPPF.

22 Prior to the occupation of any of the dwellings hereby approved, a strategy for the provision of the highest available headline speed of broadband provision for future occupants of the site shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall take into account the timetable for delivery of 'superfast broadband' (defined as having a headline access speed in excess of 24Mb or more). The strategy shall seek to ensure that upon occupation of a dwelling, the provision of the highest available headline speed of broadband service to that dwelling from a site-wide network is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway. Unless evidence is put forward and agreed in writing by the Local Planning Authority that technological advances for the provision of a new broadband service for the majority of potential customers will no longer necessitate below ground infrastructure, the development of the site shall be carried out in accordance with the approved strategy.

Reason: In order to comply with the requirement of TEL SP1 of the draft Publication Version of the Arun Local Plan and paragraph 42 of the NPPF.

23 Prior to the commencement of any phase of the approved development, a scheme detailing the physical works and a timetable to provide a minimum of at least 10% of the total energy demand from the development comprising renewable or low carbon energy generation on site, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in complete accordance with the approved scheme prior to first occupation of each respective phase, and retained so in perpetuity.

Reason: In order to achieve high levels of energy efficiency in accordance with the requirement of the NPPF and emerging policy ECC SP2 of the Publication Version of the Core Strategy.

24 Detailed plans and particulars of the Reserved Matters submitted to the Local Planning Authority for approval pursuant to Condition no1 shall include a scheme of mitigation in order to restrict the potential for vehicle parking in the vicinity of the proposed eastern access onto Summer Lane. Such approved measures shall be implemented in accordance with the approved details and retained thereafter.

Reason: In the interests of highway safety and the free flow of traffic.

25 Detailed plans and particulars of the Reserved Matters submitted to the Local Planning Authority for approval pursuant to Condition no1 shall include full details of the proposed car parking spaces associated with each dwelling. Such approved spaces shall thereafter be retained at all times for their designated use.

Reason: In the interests of highway safety and the free flow of traffic.

26 Detailed plans and particulars of the Reserved Matters submitted to the Local Planning Authority for approval pursuant to Condition no1 shall include a schedule of materials and finishes to be used in the external walls and roofs of the buildings. A 'statement of detail' shall be submitted setting out details of the proposed windows and doors, details of depths of recess/reveal from the brickwork, sills and lintels, brick bonding, brick detailing, eaves detailing and rainwater goods. The materials and 'statement of detail' as approved shall be used in the construction of the buildings.

Reason: To enable the Local Planning Authority to control development in detail in the interests of amenity by endeavouring to achieve buildings of visual quality in accordance with policy GEN7 of the Arun District Local Plan.

INFORMATIVE: Condition 24 - The requirement under condition 24 is for the developer to submit mitigation details to be considered in the event that a Traffic Regulation Order is not successfully implemented.

INFORMATIVE: Section 59 of the 1980 Highways Act - Extra-ordinary Traffic. The applicant is advised to enter into a Section 59 Agreement under the 1980 Highways Act, to cover the increase in extraordinary traffic that would 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 is advised to contact the Highway Officer (01243 642105) in order to commence this process.

INFORMATIVE: Section 278 Agreement of the 1980 Highways Act - Works within the Highway The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

INFORMATIVE: The implication of effective ground protection must be achieved before any construction works commences to protect the given RPA. Again the local planning authority arboricultural officer must check this protection before the construction works commences.

Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 30% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location.

Any SuDs or soakaway design must include adequate groundwater monitoring data to determine the highest groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's engineers.

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 Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk

INFORMATIVE: The development layout should not be agreed until such time that arrangements for the future access and maintenance of any watercourse or culvert crossing or abutting the site has been submitted to the Council. No construction is permitted, which will restrict current and future land owners from undertaking their riparian maintenance responsibilities of any watercourse on or adjacent the site in order to ensure the responsibilities as required under the Land Drainage Act 1991, and amended by the Flood Water Management Act 2010, can be fulfilled.

INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement which includes the following provisions:

AFFORDABLE HOUSING

27 units comprising 19 social rented (70%) and 8 intermediate (30%) split between:

- 7no 1 bed (social rented);
- 12no 2bed (social rented); and
- 8no 2 bed (intermediate).

PUBLIC OPEN SPACE AND ECOLOGICAL ENHANCEMENT/MITIGATION

An area of Public Open Space (POS) comprising a total area of 2.57ha including on-site play area provision. This will be subject to a management regime and a mechanism to potentially hand over the land to the south of Summer Lane to the Parish Council.

Pagham Area of Natural Open Green Space (ANOGS) - A contribution of £114,750, equating to £1,275 per dwelling, is to be provided in order to mitigate the potential impacts on Pagham Harbour SPA. The site lies within 'Zone B' (between 400m and 5km) of the SPA. Mitigation shall include contribution to the employment of a full time warden, dog project, additional signage and interpretation material and future monitoring.

WSCC INFRASTRUCTURE CONTRIBUTIONS

Primary Education - £215,644;
 Secondary Education - £232,083;
 6th Form Education - £54,369;
 Libraries - £23,634;
 Fire and Rescue - £2,144; and
 Fire Hydrants - on-site requirement for 3.

OTHER

Works to facilitate a link between the application site and the Orchard Homes development site on the proviso that planning permission is granted for planning application P/125/14/PL:

- (a) grant a pedestrian right of way via a footpath to the application boundary, subject to the Council procuring a Compulsory Purchase Order (CPO) for crossing the ditch;
- (b) provide a footpath between the end of the proposed road layout and the ditch, subject to the Council procuring a CPO for crossing the ditch; and
- (c) grant construction access rights for the Council to use the site access road for construction access, subject to the Council procuring a CPO for crossing the ditch.

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.



Karl Roberts
Director Planning & Economic Regeneration

Case Officer: Mr S Davis

Date of Decision:

30 September 2016

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