

DECISION NOTICE

Application Ref: P/70/19/RES

1 To Addressee

Lucid Planning Ltd
11 Pinewood Road
Hordle
SO41 0GN

2 Site Address

Land North of Summer Lane
Pagham
PO21 4NG

3 Description of Development

Approval of reserved matters following outline consent P/58/15/OUT for 90 No. dwellings.
Also seeking to address the terms of planning conditions 6 (Phasing), 8 (ecology), 9 (Surface Water), 12 (Vehicular Access), 15 (Parking), 18 (Travel Plan), 20 (Landscape Management), 24 (Parking Control), 25 (Dwelling Parking) and 26 (Materials).

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 the following conditions.

1 The development hereby approved shall be carried out in accordance with the following approved plans and documents:

"Location Plan" 1177 PD005 Rev P2;
"Proposed Site Plan - 90 Unit Scheme" 1177 PD100 Rev P10;
"Level Strategy Layout" DSM/E4761/007 Rev G;
"House Type A Plans and Elevations" 1177 PD110 Rev E;
"House Type B Plans and Elevations" 1177 PD112 Rev D;
"House Type C Plans and Elevations" 1177 PD113 Rev C;
"House Type C Plans and Elevations" 1177 PD114 Rev D;
"House Type C Plans and Elevations" 1177 PD115 Rev D;
"House Type C Plans and Elevations" 1177 PD116 Rev E;
"House Type C Plans and Elevations" 1177 PD117 Rev D;
"House Type C Plans and Elevations" 1177 PD118 Rev D;
"House Type D Plans and Elevations" 1177 PD119 Rev C;
"House Type E Plans and Elevations" 1177 PD120 Rev C;

"House Type F Plans and Elevations" 1177 PD121 Rev D;
 "House Type G Plans and Elevations" 1177 PD122 Rev D;
 "Garages Plans and Elevations" 1177 PD 130 Rev A;
 "Materials Schedule" Rev B (11/02/20);
 "Boundary Treatment Plan" 1177 PD102 Rev C;
 "Site Sections" 1177 PD304 Rev A;
 "Western Parcel Street Scenes A, B, C" 1177 PD300 Rev E;
 "Western Parcel Street Scenes D, E, F" 1177 PD301 Rev D;
 "Eastern Parcel Street Scenes G, H, J" 1177 PD302 Rev C;
 "Eastern Parcel Street Scenes K, L, M, N" 1177 PD303 Rev C;
 "Proposed Lighting Layout" 100046.PRIV.1300.001 Rev P04;
 "Proposed Lighting Layout" 100046.PRIV.1300.1301 Rev P01;
 "Outdoor Lighting Report" 1000090.POS.001 Rev A;
 "Lighting Schedule" 100046.PRIV.1400.P02;
 "Area Lighting Calculation" 100046.PRIV.003.B;
 "Landscape Management and Maintenance" Rev P.2 November 2019;
 "Planting Plan Sheet 1 of 8" M323-301 Rev P5;
 "Planting Plan Sheet 2 of 8" M323-302 Rev P4;
 "Planting Plan Sheet 3 of 8" M323-303 Rev P7;
 "Planting Plan Sheet 4 of 8" M323-304 Rev P5;
 "Planting Plan Sheet 5 of 8" M323-305 Rev P3;
 "Planting Plan Sheet 6 of 8" M323-306 Rev P8;
 "Planting Plan Sheet 7 of 8" M323-307 Rev P6;
 "Planting Plan Sheet 8 of 8" M323-308 Rev P4;
 "Public Open Space Plan" M323-350 Rev P5;
 "Refuse Vehicle Swept Path Analysis" DSM/E4761/002 Rev G;
 "Fire Tender Swept Path Analysis" DSM/E4761/003 Rev G;
 "Highway Layout Review" DSM/E4761/004 Rev G;
 "Proposed New Road Layout" 039.5017.0701 Rev E;
 "Fire Tender and Private Driveway Vehicle Tracking" 039.0017.001 Rev D;
 "Western Access Refuse Tracking 039.0017.002 Rev D;
 "Pumping Station Tanker Tracking 039.0017.003 Rev B;
 "Section 278 Highway Works S278 Agreement Plan" VD16396-ID-DR-S278 Rev E;
 "Section 278 Highway Works Traffic Regulation Order" VD16396-ID-DR-1210 Rev C;
 "Development Phasing" containing Drawing "Construction Phasing Plan & Schedule" 1177 PD007 Rev A;
 "Design & Access Statement" July 2019 Rev E;
 "Travel Plan" July 2019 Rev A;
 "Update Ecological Appraisal and Draft Ecological Mitigation Timetables" July 2018;
 "Technical Note on Proposed Drainage Strategy" ref 196790-01 (03/12/19);
 "Report on Inspection of Watercourse along Northern Boundary" ref DSM/E4761/17564 (02/12/19); and
 "Drainage Strategy & SuDS Statement" ref TRS/E4761/17424 Rev 3 07/11/19.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies D DM1, D SP1, QE SP1 and T SP1 of the Arun Local Plan.

- 2 Notwithstanding the requirements of condition 19 imposed on P58/15/OUT, all activity at the site is to be carried out in strict accordance with the following documents by Arbor-Call:

"Arboricultural Impact Assessment and Method Statement" (ref: C.MW.19.0612.AIA.AMS, 31/10/19); and
 "Tree Protection Plan ref MW.19.0612.SK01.TPP (Oct 19).

The applicant shall advise the Local Authority once the required protective fencing and ground protection measures are in place to facilitate inspection/s by officers during development of the site and to verify they are 'Fit for Purpose' as required under British Standard 5837:2012 and have been erected and positioned exactly as shown in the above documents.

If there is deemed to be a need for any Utility Service Route connections to bisect retained tree Root Protection Areas/ Zones, then prior to their installation a Method Statement prepared by an Arboricultural Expert must be submitted that stipulates how this can be achieved without unacceptable adverse impact on tree roots. Written approval and confirmation of acceptance of this Methodology must be issued before any works take place within the root protection zones of the trees identified to be retained.

Reasons: To comply with BS5837 and ENV DM4 and to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised, and they can continue to enhance the landscape and amenity of the area.

- 3 No development shall take place until technical drawings illustrating the detail of the drainage strategy as agreed in principle, have been submitted to and approved in writing by the local planning authority. No building shall then be occupied until the complete surface water drainage system serving the development has been implemented in accordance with the agreed details. The drainage system shall thereafter be maintained in good working order in perpetuity.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan.

- 4 Prior to the occupation of the 45th Open Market dwelling forming part of the approved development, the applicant shall provide details to the Local Planning Authority for approval in writing of a paved and gated access between the Public Open Space to the south of Summer Lane and the adjacent Pagham Village Hall car park to enable access by pedestrians from this alternative access point. The pedestrian access point shall thereafter be provided in accordance with the agreed details and then permanently retained in a condition that is fit for purpose.

Reason: In order to provide pedestrian access to and from the adjacent play area in accordance with Arun Local Plan policy OSR DM1.

- 5 None of the dwellings hereby approved shall be occupied unless and until full details of the pumping station's design, including elevations and floor plans, have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the pumping station shall be constructed in accordance with the agreed details.

Reason: In the interests of visual amenity in accordance with Policies D SP1 and D DM1 of the Arun Local Plan.

- 6 Prior to the occupation of the dwellings, a scheme for the provision of facilities to enable the charging of electric vehicles to serve the approved dwellings shall be submitted to the Local Planning Authority for approval and thereafter implemented in accordance with the approved details and the charge points shall thereafter be permanently retained and maintained in good working condition.

Reason: New petrol, diesel and hybrid cars/vans will not be sold beyond 2035, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with policy QE DM3 (c) of the Arun Local Plan, the Arun Parking Standards SPD and the National Planning Policy Framework.

- 7 Before the buildings hereby permitted are occupied dustbin stores or spaces shall be provided as

part of the development in accordance with detailed plans to be submitted to and approved in writing by the Local Planning Authority, such plans shall show the siting and design thereof. The approved bin storage enclosures or spaces shall thereafter be permanently retained.

Reason: To ensure sufficient refuse facilities and to safeguard the appearance of the development & the amenities of the area in accordance with policies D DM1 and WM DM1 of the Arun Local Plan.

- 8 Proposals for the area identified as a LEAP on drawing M323-350 Rev P5 shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of any of the approved dwellings. This part of the site shall thereafter be implemented in accordance with the agreed details prior to occupation of the 45th Open Market dwelling and permanently retained so thereafter.

Reason: To ensure that the play area is provided or if it is no longer required then the area of land is appropriately landscaped in accordance with policies OSR DM1 and D DM1 of the Arun Local Plan.

- 9 No part of the development shall be occupied unless and until a scheme has been submitted to and approved by, the Local Planning Authority, to show new signage within the Public Open Space to the south of Summer Lane to encourage responsible dog ownership. Thereafter the approved signage shall be provided in accordance with the agreed details and permanently retained.

Reason: To encourage responsible dog ownership and safeguard the usability of the public open space in accordance with policies D DM1 & OSR DM1 of the Arun Local Plan.

- 10 No dwelling shall be first occupied until the car parking spaces and garage spaces serving the respective dwellings have been constructed in accordance with the approved site plan. Once provided the parking spaces shall not be used for any purpose other than for the parking of vehicles and the garages shall not be used for any purpose other than the parking of vehicles and for domestic storage unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: In the interests of ensuring sufficient vehicle parking and highway safety within the development in accordance with policy T SP1 of the Arun Local Plan.

- 11 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority. The approved cycle stores shall thereafter be permanently retained.

Reason: To ensure that adequate and satisfactory provision is made for the parking of bicycles in accordance with policies T SP1 & T DM1 of the Arun Local Plan and paragraphs 108-110 of the NPPF.

- 12 Any tree pruning considered essential to enable the agreed development must meet the requirements of BS3998:2010 Tree work - Recommendations:

- Where whole branches are to be removed and final cuts made close to the trunk or branch union they are to be made as shown in Figure 2 of BS3998:2010
- Where branches are to be shortened back the final cuts are to be made at the correct angle shown in BS3998:2010 and adjacent to a live bud or lateral.

Reasons: In the interest of continued health and vitality of trees and to accord with current industry guidelines & sound arboricultural practice and policy ENV DM4 of the Arun Local Plan.

- 13 No construction / demolition activities shall take place, other than between 08:00 to 18:00 hours

(Monday to Friday) and 08:00 to 13:00 hours (Saturday) with no works taking place on Sunday or Bank Holidays.

Reason: To protect the amenity of local residents in accordance with policies QE SP1 and QE DM1 of the Arun Local Plan.

- 14 Notwithstanding the provisions of Schedule 2, Part 1 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting this Order) no hardstanding (other than that specified on the approved plans) shall be created on land forward of the principal or side elevations of the dwellings, unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: In the interests of visual amenity in accordance with policies D DM1, D SP1 of the Arun Local Plan.

- 15 Notwithstanding the provisions of Schedule 2, Part 2, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting this Order) no fences, walls, gates or other means of enclosure (other than those specified on the approved plans) shall be erected on land forward of the primary or side elevations of the dwellings, unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: In the interests of visual amenity in accordance with policies D DM1, D SP1 of the Arun Local Plan.

- 16 All bathroom and toilet windows hereby approved shall be glazed with obscured glass and permanently retained thereafter.

Reason: To protect the amenities and privacy of existing and future occupiers in accordance with policies D DM1 and QE SP1 of the Arun Local Plan.

- 17 No windows (other than those shown on the plans hereby approved) shall be constructed in the first floor flank elevations of any of the dwellings hereby approved without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities and privacy of existing and future occupiers in accordance with policies D DM1 and QE SP1 of the Arun Local Plan.

- 18 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting this Order) no front extensions or roof extensions/alterations to any of the dwelling houses shall be constructed unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To safeguard the privacy & amenity of adjoining occupiers and the cohesive appearance of the development in accordance with policies D DM1 and D SP1 of the Arun Local Plan.

- 19 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting this Order) no rear extensions to plots 2, 3, 7-8, 11-13, 15-17, 20-24, 31, 34-38, 40-42, 45-46, 51-52, 54-58 & 74 shall be constructed or buildings shall be erected within the curtilage of the same plots unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To safeguard the amenity of adjoining occupiers, maintain adequate private amenity space and safeguard the cohesive appearance of the development in accordance with policies D DM1 and D SP1 of the Arun Local Plan.

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: 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 40% 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 winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers. Supplementary guidance notes regarding surface water drainage are located here <https://www.arun.gov.uk/surfacewater> on Arun District Councils website. A surface water drainage checklist is available here <https://www.arun.gov.uk/drainagechecklist> on Arun District Councils website, this should be submitted with a Discharge of Conditions Application.

INFORMATIVE: In the interests of crime prevention and deterrence, the development should incorporate security measures in accordance with the consultation advice of Sussex Police (dated 12/09/19) as available on the Councils website.

INFORMATIVE: The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received. For further information, please contact the Environmental Health Department on 01903 737555.

INFORMATIVE: The applicant's attention is drawn to the requirements of the Environmental Protection Act 1990 and the Clean Air Act 1993 with regard to burning on site. A statutory nuisance may be caused by smoke and ash from fires or noise from the cutting or chipping trees. In addition, air quality could be adversely affected on large projects. The granting of this planning permission does not permit a statutory nuisance to be caused. The Environment Agency should also be contacted regarding Exemption Permits to burn on site.

INFORMATIVE: This planning permission effectively agrees the details required by conditions 6, 12, 15, 18, 20, 24, 25 and 26 of the Outline Planning Permission P/58/15/OUT. However, it does not in any way discharge the Ecological Mitigation & Enhancement Scheme required by Condition 8. It also does not fully approve the surface water drainage scheme required by condition 9.



Neil Crowther
Group Head of Planning

Case Officer: Mr S Davis

Decision Issued: **28th February 2020**

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 6 months 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.

If you intend to submit an appeal that you would like examined by inquiry then you must send notice to the Local Planning Authority and Planning Inspectorate(inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details can be found at www.GOV.uk

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).