

DECISION NOTICE

Application Ref: R/102/20/PL

1 To Addressee

OM Architectural Design
Works House
Station Road
East Preston
West Sussex
BN16 3AA

2 Site Address

Land North of Springfield House
Cross Road
Rustington
BN16 2ST

3 Description of Development

1 No. detached 5-bedroom house with attached single storey double garage & carport.

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 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).

- 2 The development hereby approved shall be carried out in accordance with the following approved plans as follows:

- Proposed Site Plan (1004 rev 06), received 14/08/2020
- Proposed Block Plan (1002 rev 06), received 24/06/2020
- Proposed Site Entrance Elevations (2008 rev 00), received 24/06/20
- Proposed Elevations Front and Rear (2006 rev 04), received 12/06/20
- Proposed Elevations Side (2007 rev 04), received 12/06/20
- Proposed Basement Plan (2001 rev 04), received 12/06/20
- Proposed Ground Floor Plan (2002 rev 04), received 12/06/20
- Proposed First Floor Plan (2003 rev 04), received 12/06/20
- Proposed Second Floor Plan (2004 rev 04), received 12/06/20

- Proposed Roof Plan (2005 rev 04), received 12/06/20
- Proposed Site Sections (1005 rev 01), received 12/06/20

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with the relevant policies of the Arun Local Plan.

- 3 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes to be used for external walls (and roofs) of the proposed building have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of visual amenity and character of the area and the setting of a non-designated heritage asset by endeavouring to achieve a building of visual quality in accordance with policies D SP1, D DM1, HER SP1 and HER DM2 of the Arun Local Plan.

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015, (or any Order revoking or enacting that Order) no windows or other openings (other than those shown on the plans hereby approved) shall be formed in the southern and northern walls of the building without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities of adjoining residential properties in accordance with policies D DM1 and QE SP1 of the Arun Local Plan.

- 5 The first floor window on the southern elevation of the building shall at all times be glazed with obscured glass and fixed shut to a height of 1.7m.

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

- 6 The balcony panel on the southern elevation of the building shall at all times be glazed with obscured glass and have a height no less than 1.7m.

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

- 7 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. 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:-

An indicative programme for carrying out of the works;

Details of the arrangements for public engagement / consultation both prior to and continued liaison during the construction works;

Measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method of piling for foundations, the careful selection of plant and machinery and use of noise mitigation barrier(s);

Details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination;

The parking of vehicles of site operatives and visitors;

Loading and unloading of plant and materials, including permitted times for deliveries;

Storage of plant and materials used in constructing the development;

The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;

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 Regulations Orders);

Measures to control the emission of dust and dirt during construction;

A scheme for recycling / disposing of waste resulting from demolition and construction works i.e. no burning permitted.

Reason: To protect the amenity of local residents in accordance with Policies QE SP1, QE DM1, QE DM2 and QE DM3 of the Adopted Arun Local Plan. This condition is required to be pre-commencement so the protection of the amenity of local residents as a result of the construction works is ensured prior to the start of construction works.

- 8 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 'noisy' work on Sunday or Bank Holidays.

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

- 9 No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved Proposed Ground Floor Plan (2002 Rev 4). These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the residential use, in accordance with policies T SP1 and T DM1 of the Arun Local Plan and in accordance with the Arun Parking SPD.

- 10 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with the approved Proposed Ground Floor Plan (2002 Rev 4).

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies including T SP1 and T DM1 of the Arun Local Plan and the Arun Parking SPD.

- 11 No part of the development shall be first occupied until electric vehicle charging space(s) at a rate of 100% for all parking spaces have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: To provide sustainable travel options in accordance with current sustainable transport policies including T SP1 and T DM1 of the Arun Local Plan and the Arun Parking SPD.

- 12 The development permitted by this planning permission shall only be carried out in accordance with mitigation measures detailed within the approved Flood Risk Assessment (FRA), dated April 2020, and prepared by EAS Ltd.

Reason: To reduce the risk of groundwater and surface water flooding on the proposed development and future occupants, in accordance with policies W SP1 and W DM2 of the Arun Local Plan.

- 13 The development permitted by this planning permission shall only be carried out in accordance with SUDs measures detailed within the approved Flood Risk and Drainage Assessment, dated April 2020 and prepared by EAS Ltd.

Reason: To reduce the risk of surface water flooding on the proposed development and future occupants, in accordance with policies W SP1, W DM2 and W DM3 of the Arun Local Plan.

- 14 If during development, any visible contaminated or odorous material, (for example, asbestos containing material, stained soil, petrol / diesel / solvent odour, underground tanks or associated

pipework) not previously identified, is found to be present at the site, no further development (unless otherwise expressly agreed in writing with the Local Planning Authority) shall be carried out until it has been fully investigated using suitably qualified independent consultant(s). The Local Planning Authority must be informed immediately of the nature and degree of the contamination present and a method statement detailing how the unsuspected contamination shall be dealt with must be prepared and submitted to the Local Planning Authority for approval in writing before being implemented. If no such contaminated material is identified during the development, a statement to this effect must be submitted in writing to the Local Planning Authority.

Reason: To protect the amenity of local residents in accordance with Policy QE DM4 of the Adopted Arun Local Plan.

- 15 No development shall commence until a detailed Planting Plan (to show specific species choice to include ornamental and native species, quantities in location, planting density and size at time of planting) has been submitted to and approved in writing by the Local Planning Authority. The works are then to be undertaken in strict accordance with this approved Planting Plan.

Reason: To ensure appropriate landscaping of the site and result in a net biodiversity gain, in accordance with the Environment Bill and policies D DM1, LAN DM1, and ENV DM5 of the Arun Local Plan. This condition is required to be pre-commencement to ensure details of appropriate landscaping and planting is secured prior to the start of construction works.

- 16 The trees as set out in the Arboricultural Impact Assessment and Method Statement, LLD1935 Rev 01, dated 01.06.2020 must be retained and protected from harm during construction.

Reason: To protect local wildlife (bats) in accordance with the relevant protected species legislation and policy ENV DM5 of the Arun Local Plan.

- 17 A bat brick shall be integrated into the building onsite facing south/south westerly and positioned 3-5m above ground. In addition, a bird box shall to be installed on the building and/or tree within the garden of the property.

Reason: To enhance biodiversity in accordance with the Environment Bill and policy ENV DM5 of the Arun Local Plan.

- 18 Any trenches must be covered overnight, or a means of escape made available and any hazardous chemicals need to be suitably stored away so animals cannot access them.

Reason: To protect local wildlife (badgers) in accordance with the relevant protected species legislation and policy ENV DM5 of the Arun Local Plan.

- 19 No works on site shall commence until a Badger Walkover Survey has been undertaken to ensure badgers are not using the site. If a badger sett is found onsite, Natural England must be consulted and a mitigation strategy produced and submitted to and approved in writing by the Local Planning Authority.

Reason: To protect local wildlife (badgers) in accordance with the relevant protected species legislation and policy ENV DM5 of the Arun Local Plan. This condition is required to be pre-commencement to ensure badgers would be adequately protected from development prior to the start of any works on site.

- 20 The mitigation measures set out in the Reptile Mitigation Report (July 2020) must be strictly adhered to.

Reason: To protect local wildlife (reptiles) in accordance with the relevant protected species legislation and policy ENV DM5 of the Arun Local Plan.

- 21 Before the site is occupied or any machinery is introduced to the site or demolition work or construction work or alterations to existing ground levels takes place a PRE-COMMENCEMENT Site Meeting is to take place between the Planning Authority's Tree Officer and the Arboricultural Expert representing the site owner(s) - at this meeting all protective fencing and ground protection measures will be inspected to verify they are 'Fit for Purpose' as required under British Standard 5837:2012 and have been erected and positioned exactly as shown on the Tree Retention and Protection Plan, LLD1935-ARB-DWG-002 Rev 00, 27.05.2020.

- A schedule of Site Monitoring/Supervision visits and Reporting Procedures prepared by an Arboricultural Expert will be required and their extent will be agreed on at the site meeting to the satisfaction of the Planning Authority's Tree Officer.

Reasons: To comply with BS5837 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, in accordance with policy ENV DM4 of the Arun Local Plan.

- 22 All activity at the site is to be carried out in strict accordance with: Arboricultural Impact Assessment and Method Statement, LLD1935 Rev 01, dated 01.06.2020.

- 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 adverse impact on tree roots. Written approval and confirmation of acceptance of this Methodology must be issued by the LPA before any works are commenced out on site.

Reasons: To comply with BS5837 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 in accordance with policy ENV DM4 of the Arun Local Plan.

This application is subject to the Community Infrastructure Levy (CIL) as levied under Arun district Council's CIL Charging Schedule as adopted on 15th January 2020.

Shortly you will receive a Liability Notice which includes the calculated charge and person(s) liable to pay. If you have not submitted all the necessary CIL forms such as Assumption for Liability ([Form 2](#)) or any appropriate exemption or relief forms available on the Council's website <https://www.arun.gov.uk/cil> you must do so prior to commencement of your development. Failure to do so would invalidate any claim for exemption or relief. Furthermore, you must remember to submit your Commencement Notice no later than the day before the day on which the chargeable development is to commence. Failure to do so could result in a surcharge of up to £2,500.

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 assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

INFORMATIVE: The applicant is advised to contact the proprietor of Cross Road to obtain formal approval to carry out the site access works on the private lane.

INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link: southernwater.co.uk/developing-building/connection-charging-arrangements. For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119). Website: southernwater.co.uk by email at: SouthernWaterPlanning@southernwater.co.uk.

INFORMATIVE: It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

INFORMATIVE: The design of the proposed basement and on-site drainage system should consider the possibility of surcharging within the public sewerage system in order to provide the protection from the risk of flooding. The basement will need to be suitably designed and tanked to prevent groundwater and surface water intrusion. In addition, as the basement will require connection to the foul sewer (for the shower and WC), the designer will need to consider that this will be the lowest point of the system and ensure that they have designed against backflow from the foul. These matters will be dealt with at Building Control stage.

INFORMATIVE: The proposals would need to comply with the requirements identified in Building Regulations Approved Document - B (AD-B) Volume 1: 2019 edition B5 Section 13: Vehicle access. This explains the Building Regulations requirements for Fire Service vehicle access to new builds. If the developer does not meet with these requirements they will need to identify how they intend to mitigate for any short falls. These matters will be dealt with at Building Control stage.

INFORMATIVE: This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0845 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.

INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.



Neil Crowther
Group Head of Planning

Case Officer: Ms Myer

Decision Issued: **26th August 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).