ARUN DISTRICT COUNCIL

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: Y/56/15/OUT

1 **To Addressee**

Crescent Designs (Sussex) Ltd
Columbia House
Columbia Drive
Worthing
West Sussex
BN13 3HD

2 **Site Address**

Land at & West of Kings Close
Yapton

3 **Description of Development**

Outline application for proposed mixed use development comprising 5 No.3 bedroom houses, 4 No. 2 bedroom houses & 1 No. 1 bedroom flat over car ports together with 4 No. B1 workshop/business units all with parking & access to main road via a redefined alignment of Kings Close & Highway improvement works at existing crossover.

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 below and the obligations under the section 106 agreement.

1 The permission hereby granted is an outline permission under Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995 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) Scale;
(b) Appearance;
(c) 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 5 years from the date of this permission, or before expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the 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 hereby approved shall be carried out in accordance with the following approved plans:

SITE LOCATION PLAN DWG 15001-LOC;
PROPOSED OUTLINE PLANNING SITE LAYOUT/BLOCK PLAN DWG 15001-01;
PROPOSED ACCESS IMPROVEMENTS DWG 15001-05;
INDICATIVE STREET SCENES SHEET 1 DWG 15001-10;
INDICATIVE STREET SCENES SHEET 2 DWG 15001-11;
INDICATIVE STREET SCENES SHEET 3 DWG 15001-12;
INDICATIVE STREET SCENES SHEET 4 DWG 15001-13;
PROPOSED ACCESS AND PARKING LAYOUT PLAN DWG 15001-06; and
SWEPTH PATH ANALYSIS OF A LARGE REFUSE VEHICLE DWG 238-01 REV A.

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 No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the approved drawing 15001-06.

Reason: In the interests of road safety and in accordance with policy GEN7 of the Arun District Local Plan.

5 No part of the development shall be first occupied until provision has been made within the site in accordance with plans and details to be submitted to and approved by the Local Planning Authority to prevent surface water draining onto the public highway. The approved details shall be retained in perpetuity in good working order.

Reason: In the interests of road safety and in accordance with policy GEN7 of the Arun District Local Plan.

6 No part of the development shall be first occupied until visibility splays of 2.4 metres by 73 metres to the west and 2.4 metres by 63.5metres to the right have been provided at the proposed site vehicular access onto Main Road in accordance with the approved planning drawing 15001-06. 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.

Reason: In the interests of road safety and in accordance with policy GEN7 of the Arun District Local Plan.

7 No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use in accordance with policy GEN7 of the Arun District Local Plan.

8 The garage buildings shall be used only as private domestic garages for the parking of vehicles incidental to the use of the properties as dwellings and for no other purposes.

Reason: To ensure adequate off-street provision of parking in the interests of amenity and
highway safety and in accordance with policy GEN7 of the Arun District Local Plan.

9 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 parking spaces shall be retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with policy GEN7 of the Arun District Local Plan and the National Planning Policy Framework.

10 No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development and in accordance with policy GEN7 of the Arun District Local Plan.

11 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:

· 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); 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 and in accordance with policy GEN7 of the Arun District Local Plan.

12 No development or preparatory works affecting the site shall be carried out until a reptile survey has been undertaken identifying any detrimental impact and should it be necessary, also providing full details of mitigation. These details will then be submitted to the Local Planning Authority for approval. Mitigation shall then be implemented in accordance with the approved details and timing of the works, unless otherwise approved in writing by the local planning authority.

Reason: In accordance with the National Planning Policy Framework (Paragraphs 109 & 118).

13 To avoid risk of harm to potentially nesting birds, removal of any trees and/or shrubs should be undertaken between September and the end of February when birds have ceased nesting (except those trees identified as having bat roost potential in Figure 2 in Appendix 1 of the Ecological Assessment prepared by Adonis Ecology). If this is not possible, and some trees or shrubs are due to be removed between March and August, an Ecologist should check for active bird nests no more than seven days before works commence on removal of trees or hedgerows, and any active nest found should be protected as advised by the Ecologist until the birds have finished nesting.

Reason: In accordance with the National Planning Policy Framework (Paragraphs 109 & 118).

14 Prior to the commencement of development or any preparatory works and to support the Reserved Matters application an ecological enhancement scheme shall be submitted to the LPA for approval; it will pick up all recommendations arising out of the supporting ecological reports as appropriate. All approved details shall then be implemented in full and in accordance with the agreed timings and details.

Reason: In accordance with the National Planning Policy Framework (Paragraph 118).

15 No machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the Class B1 workshop/business units outside the following times: 7.00am - 6.00pm Mondays to Saturdays inclusive and not at any time on Sundays or Public Holidays.

Reason: To safeguard the amenities of neighbouring properties in accordance with Arun District Local Plan policies GEN7, GEN32, GEN33 and GEN34.

16 External lighting in association with the commercial section of this development (the B1 units) shall comply with the Institution of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light, Obtrusive Light Limitations for Exterior Lighting Installations for Zone E2 (rural).

Reason: To control the residential amenities of the local environment in accordance with Arun District Local Plan policies GEN7 & GEN33.

17 No raw materials, finished or unfinished products or parts, crates, packing materials or waste shall be stacked or stored on the site except within the new Class B1 workshop/business buildings, unless approved in writing by the local planning authority.

Reason: To safeguard the visual amenities of the locality in accordance with policy GEN7 of the Arun District Local Plan.

18 Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1. A preliminary risk assessment which has identified:
* all previous uses;
* potential contaminants associated with those uses;
* a conceptual model of the site indicating sources, pathways and receptors; and
* potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with Arun District Local Plan policy GEN7.

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

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with Arun District Plan policy GEN7.

20 Prior to commencement of development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

Reason: To protect the environment and prevent harm to human health by ensuring that the remediated site has been reclaimed in an appropriate standard in accordance with Arun District Local Plan policy GEN7.

21 Development shall not commence until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority.

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 until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be retained 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.

22 Development shall not commence until full details of the maintenance and management of the SUDs system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to 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

23 No development or new tree planting should be located within 3 metres either side of the centreline of a public sewer and any new soakaways should not be located within 5m of a public sewer. All existing infrastructure should be protected during the course of construction works.

Reason: To protect the public sewer in accordance with Arun District Local Plan policies GEN7 and GEN9.

24 Construction of the development shall not commence unless and until details of the proposed means of foul and surface water sewerage disposal has been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water. The scheme as approved shall be implemented prior to the first occupation of the dwellings and maintained in good working order.

Reason: To ensure that the proposed development has a satisfactory means of disposing of foul & surface water sewerage in accordance with policy GEN9 of the Arun District Council Local Plan.

25 No development including site access, demolition or associated construction activities, shall take place on the site unless and until all the existing trees/bushes/hedges to be retained on the site have been protected by a fence in accordance with BS5837 (2012) and Section 9, to be approved by the Local Planning Authority for erection around each tree, group of trees and vegetation to a distance of 15m or to the Root Protection Area (RPA) as calculated in accordance with Table 2 of BS5837 (2012) to be agreed in writing by the Local Planning Authority. Within the areas so fenced off the existing ground must not be cultivated, nor must it be lowered or raised or added to by the importation and spreading of top soil unless agreed by the Local Planning authority. There must be no materials, temporary buildings, plant machinery or surplus soil shall be placed or stored thereon without prior written approval of the Local Planning Authority.

No trenching should occur within the protective fencing surrounding the Root Protection Area. If however there is no alternative but to locate the services then its encroachment into the Root Protection Area must be kept to a minimum and where the roots should be exposed using compressed air technology, such as the air spade to reduce damage caused by mechanical methods. If roots requiring severance to allow for the passage of services is necessary then an arboriculturist would be required to assess and determine whether the loss of the roots would be detrimental to the continued health and stability of the affected tree.

Reason: To ensure the retention and maintenance of trees and vegetation which is an important feature of the area in accordance with policy GEN7 of the Arun District 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 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 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 applicant is advised that as the estate roads are to remain private/unadopted, the
Highway Authority would require provisions in any s106 agreement to confirm that the estate roads would not be offered for adoption at a later date and wording included to ensure that the carriageways, footways and casual parking are properly constructed, surfaced and drained, and that the works are appropriately certified from a suitably qualified professional confirming the construction standard.

INFORMATIVE: The applicant is advised that any future reserved matters application must accord with the indicative details/plans submitted as part of this application.

INFORMATIVE: The protection of neighbouring trees to the development should be made in accordance with BS5837 Trees in Relation to Construction.

INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact: Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, S021 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

INFORMATIVE: Please have regard to the Yapton Neighbourhood Plan when preparing your reserved matters application, In particular, Policy H3 states that: "In order to provide for the needs of older people in Yapton, developments of five or more dwellings must ensure that a minimum of 25% of the 1-, 2- and 3-bed dwellings provided are delivered to Lifetime Homes standards."

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

Affordable Housing - £55,824; and
Childrens Play/Open Space - £10,000.

Case Officer: Mr S Davis

Date of Decision: **5 November 2015**



Karl Roberts
Director Planning & Economic Regeneration

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