

DECISION NOTICE

Application Ref: Y/63/19/RES

1 To Addressee

Luken Beck MDP Ltd
30 Carlton Crescent
Southampton
SO15 2EW

2 Site Address

Bonhams Field
Main Road
Yapton
BN18 0DX

3 Description of Development

Approval of reserved matters following the grant of Y/1/17/OUT for 56 No. dwellings with associated open space & creation of new access. This application affects the character & appearance of the Yapton (Main Road) Conservation Area & affects the setting of listed buildings.

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:

18076-S101 Rev A "Location Plan";
18076-P106 Rev K "Proposed Site Plan (M4 (2) & Affordable Housing)";
18076-P102 Rev V "Proposed Site Plan";
18076-C101 Rev H "Coloured Site Layout";
18076-P108 Rev B "Proposed Site Plan (Materials)";
1410 Rev B "Site Layout - Proposed Levels";
1001 Rev E "Site Layout Refuse Vehicle Tracking";
1002 Rev B "Fire Appliance Vehicle Tracking";
1003 "Road Long Sections";
18076-P110 Rev B "Plot 1 Proposed Plans & Elevations";
18076-P132 Rev C "Plot 2 Proposed Plans & Elevations";
18076-P134 Rev A "Plot 3 Proposed Plans & Elevations";
18076-P117 Rev B "Plots 4-7 Proposed Plans & Elevations";

18076-P115 Rev A "Plots 8, 9 & 10 Proposed Plans & Elevations";
 18076-P114 Rev B "Plots 11 & 14 Proposed Plans & Elevations";
 18076-P129 Rev C "Plot 12 Proposed Plans & Elevations";
 18076-P126 Rev B "Plot 13 Proposed Plans & Elevations";
 18076-P131 Rev A "Plots 15 & 25 Proposed Plans & Elevations";
 18076-P113 Rev A "Plots 16, 17 & 18 Proposed Plans & Elevations";
 18076-P135 Rev A "Plot 19 Proposed Plans & Elevations";
 18076-P133 Rev A "Plots 20 & 21 Proposed Plans & Elevations";
 18076-P118 Rev C "Plots 22-24 "Proposed Plans and Elevations";
 18076-P116 Rev B "Plots 26 & 27 Proposed Plans & Elevations";
 18076-P111 Rev C "Plots 28, 29 & 31 (31 handed) Proposed Plans & Elevations";
 18076-P112 Rev B "Plot 30 Proposed Plans & Elevations";
 18076-P130 Rev B "Plot 32 Proposed Plans & Elevations";
 18076-P119 Rev C "Plots 33, 34, 35 Proposed Plans & Elevations";
 18076-P120 Rev C "Plots 36 & 37 Proposed Plans & Elevations";
 18076-P121 Rev C "Plots 38-41 Proposed Plans & Elevations";
 18076-P122 Rev A "Plots 42-47 Proposed Plans";
 18076-P123 Rev B "Plots 42-47 Proposed Elevations";
 18076-P124 Rev B "Plots 48 to 56 Proposed Plans";
 18076-P125 Rev C "Plots 48-56 Proposed Elevations";
 18076-P128 Rev A "Proposed Double Garage (Plots 26 & 27)";
 18076-P127 "Refuse and Bicycle Store (Plots 6-7)";
 18076-C104 "Coloured Perspective Views";
 18076-C103 Rev D "Coloured Street Elevations";
 18076-C102 Rev E "Coloured Street Elevations";
 2076-TF-00-00-DR-L-3001 Rev P10 "Planting Plan";
 2076-TF-00-00-DR-L-1001 Rev P10 "Landscape General Arrangement"; and
 Schedule of Accommodation Rev H.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies D DM1, D SP1, HER DM1, HER DM3, QE SP1 and T SP1 of the Arun Local Plan.

- 2 All activity at the site is to be carried out in strict accordance with the following documents by ACD Environmental:

the "Arboricultural Impact Assessment and Method Statement" (ref: SEA20727aia-ams, Rev: B, 21.02.20);
 the "Tree Report" (ref: SEA20727tr, Rev: A, 12/12/19); and
 the "Tree Reference Plan" ref SEA20727-03C (21.02.20).

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 before any works are commenced out on site.

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 The area hatched in red on drawing 18076-P102 Rev V "Proposed Site Plan" shall be safeguarded as a potential future public footpath link onto the adjoining private access track. If at such time as a footpath is provided from the adjacent Stakers Farm site (ref Y/44/17/OUT or

subsequent planning permission) onto the access track, then the developer shall submit to the Local Planning Authority for approval in writing, plans and details of a footpath link and the footpath link shall then be implemented within 3 months of the approval of the details and thereafter permanently retained.

Reason: To provide an alternative footpath link through the development in accordance with Arun Local Plan policies T SP1 & T DM1 and with section 9 of the NPPF.

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

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity and the setting of nearby heritage assets by endeavouring to achieve buildings of visual quality in accordance with policies D DM1, D SP1, HER DM1 and HER DM3 of the Arun Local Plan.

- 5 No development above damp proof course (DPC) level shall take place unless and until details of the construction and materials of all front openings, windows and doors for plots 2-7, 19-21 & 36-41 and the front & right hand side openings, windows & doors for plot 1 have been submitted to and approved by the Local Planning Authority and the new windows and doors as approved shall then be constructed in accordance with approved details. The submitted details shall include the style and material of the window frames, the arrangement of glazing bars, the set-back of the frames from the external wall face and the window sills.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity and the setting of the adjacent Listed Buildings by endeavouring to achieve buildings of visual quality in accordance with ALP policies D DM1 & HER DM1 and the National Planning Policy Framework.

- 6 No development above damp proof course (DPC) level shall take place until full details of all new hard boundary treatments have been submitted to and approved by the Local Planning Authority and no dwellings shall be occupied until such hard boundary treatments associated with them have been erected.

Reason: In the interests of amenity in accordance with policy D DM1 of the Arun Local Plan.

- 7 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.

- 8 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.

- 9 At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low carbon energy sources (as described in the glossary at Annex 2 of the National Planning Policy Framework) unless it can be demonstrated that a fabric-first approach would achieve an equivalent energy saving. Details and a timetable of how this is to be achieved for each phase or sub phase of development, including details of physical works on site, shall be submitted to and approved in writing by the Local Planning Authority before any development exceeds damp proof course (DPC) level. The development shall be implemented in accordance with the approved details and timetable and retained as operational thereafter.

Reason: In order to secure on site renewable energy in accordance with national planning policy and in accordance with policy ECC SP2 of the Arun Local Plan.

- 10 The garages and car parking spaces hereby approved 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 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 plots 1-5, 19-21 & 36-41, unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: In the interests of visual amenity and historic character in accordance with policies D DM1, D SP1, HER DM1 and HER DM3 of the Arun Local Plan.

- 12 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 plots 1-7, 19-21 & 36-41, unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: In the interests of visual amenity and historic character in accordance with policies D DM1, D SP1, HER DM1 and HER DM3 of the Arun Local Plan.

- 13 All bathroom and toilet windows in the elevations of any of the buildings 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.

- 14 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.

- 15 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.

- 16 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 5, 18, 22, 38-41, 46-49, 54-56 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.

- 17 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.

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: 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 Council's website.

INFORMATIVE: The applicant should note that this layout has been approved without the requested winter monitoring groundwater data and therefore if it subsequently becomes clear that the drainage conditions cannot be agreed due to the layout not providing sufficient space for drainage then a new Reserved Matters application will need to be submitted as the Local Planning Authority will not be able to agree such changes through the Non Material Amendment process.



Neil Crowther
Group Head of Planning

Case Officer: Mr S Davis

Decision Issued: **21st 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).