

DECISION NOTICE

Application Ref: Y/71/20/RES

1 To Addressee

Dandara Ltd
roman House
South Hampshire Industrial Estate
Eddystone Road
Totton, Southampton
SO40 3SA

2 Site Address

Land North of Yapton Church of England Primary School
North End Road
Yapton

3 Description of Development

Approval of reserved matters following outline consent Y/88/18/OUT for the erection of 38 No. dwellings, Public Open Space, a play area & drainage features. This application affects Public Rights of Way.

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:

102-38-Location Plan LOC-01 Rev -;
102-38-PL01 Planning Layout Coloured Rev A;
102-38-PL01 Planning Layout Rev B;
102-38-PL03 Storey Heights Layout Rev A;
102-38-PL04 Unit Types Layout Rev A;
102-38-PL05 Tenure Layout Rev A;
102-38-PL06 Parking Layout Rev A;
102-38-PL07 Boundary Treatment Layout Rev A;
102-38-PL08 Materials Layout Rev A;
102-38-PL09 Garden Areas Layout Rev A;
102-38 SS-01 Street Scenes Rev A;
102-38-SS02 Streetscenes-2 Rev -;

102-38 Plot by Plot Accommodation Schedule Rev A;
 102-38-FARRINGFORD -B-E1-P1 Rev A;
 102-38-FARRINGFORD-B-E2-P2 Rev A;
 102-38-FARRINGFORD-B-E3-P3 Rev A;
 102-38-FARRINGFORD-B-E4-P4 Rev A;
 102-38-FARRINGFORD-E1-P1 Rev A;
 102-38-FROGMORE-E1-P1 Rev A;
 102-38-GARAGES-E1-P1 Rev -;
 102-38-GARAGES-E2-P2 Rev -;
 102-38-GARAGES-E3-P3 Rev -;
 102-38-SHED-E1-P1 Rev -;
 102-38-KELMSCOTT-E1-P1 Rev A;
 102-38-TYPE A-E1-P1 Rev A;
 102-38-TYPE B-E2-P2 Rev -;
 102-38-TYPE C-E2-P2 Rev A;
 102-38-TYPE D-E1-P1 Rev -;
 102-38-UPNOR+-E1-P1 Rev B;
 102-38-UPNOR+-E2-P2 Rev B;
 102-38-UPNOR+-E3-P3 Rev A;
 102-38-UPNOR+-E4-P4 Rev B;
 102-38-UPNOR+-E5-P5 Rev A;
 102-38-VYNE-E1-P1 Rev A;
 102-38-VYNE-E2-P2 Rev B;
 102-38-VYNE-E3-P3 Rev A;
 102-38-WINDSOR-E1-P1 Rev A;
 102-38-WINDSOR-E2-P2 Rev A;
 Landscape General Arrangement Plan_1 of 2 DD427L01 Rev B;
 Landscape General Arrangement Plan_2 of 2 DD427L02 Rev B;
 Detailed Planting Plan_1 of 7 DD427L04 Rev B;
 Detailed Planting Plan_2 of 7 DD427L05 Rev B;
 Detailed Planting Plan_3 of 7 DD427L06 Rev B;
 Detailed Planting Plan_4 of 7 DD427L07 Rev B;
 Detailed Planting Plan_5 of 7 DD427L08 Rev B;
 Detailed Planting Plan_6 of 7 DD427L09 Rev B;
 Detailed Planting Plan_7 of 7 DD427L10 Rev B;
 Landscape Management Plan DD427R01 Rev A;
 Refuse Vehicle Tracking YAP-190-01 Rev A;
 Fire Tender tracking YAP-190-02 Rev A;
 Pantechicon Vehicle Tracking YAP-190-03 Rev A;
 Car Parking and Pumping Station Tracking YAP-190-04 Rev A;
 Arboricultural Impact Assessment PJC: 5593/20-01 Rev 01;
 Arboricultural Method Statement PJC ref: 5593/20-02 Rev 01 including Tree Protection Plan PJC/5593/20/C (sheets 1-6 inclusive);
 Preliminary Ecological Appraisal (July 2020);
 Ecological Design Strategy July 2020 UE0306_NorthEndRd_EDS_1_200731;
 F4926-MD-01 "Mains Design" Rev -; and
 Residential Travel Plan ref 19-156-02 Rev C

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 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 Protection Plan PJC/5593/20/C (sheets 1-6 inclusive), 28/07/2020.

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. This is required to be a pre commencement condition because it is necessary to ensure that trees are fully protected before the ground is disturbed and works commence.

- 3 All activity at the site is to be carried out in strict accordance with: the Arboricultural Method Statement, PJC ref: 5593/20-02 Rev- (28/07/2020).

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 before any works are commenced out on site.

Reasons: To comply with BS5837 and policy ENV DM4 of the Arun Local Plan 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. This is required to be a pre commencement condition because it is necessary to ensure that trees are fully protected before the ground is disturbed and works commence.

- 4 The development must be carried out in accordance with the recommendations of the Preliminary Ecological Appraisal (July 2020) and the Ecological Design Strategy (July 2020) both by Urban Edge Environmental Consulting. The enhancements and mitigation measures shall be implemented as per the document and the enhancements permanently retained and thereafter maintained as fit for purpose. This condition supersedes condition 4 imposed on Y/88/18/OUT.

Reason: In accordance with Arun Local Plan policy ENV DM5 and the National Planning Policy Framework.

- 5 The foot/cyclepath link shown to the north east of plot 25 shall be laid out in accordance with the approved details and safeguarded to enable a future connection into the adjacent Clays Farm site. At such time as the developer of the adjacent site has begun to lay out their footpath then the developers of both sites shall work together to ensure that the corresponding pathways seamlessly link together to facilitate access between the two sites. The pathway shall thereafter be permanently retained and maintained in good condition.

Reason: To provide a foot and cycle path connection from the site into the adjacent approved development in the interests of sustainable transport in accordance with Arun Local Plan policies T SP1 & T DM1 and with section 9 of the NPPF.

- 6 Upon the first occupation of the residential dwellings, the applicant shall implement the measures incorporated within the approved Residential Travel Plan ref 19-156-02 Rev C. The applicant shall thereafter monitor, report and subsequently revise the travel plan as specified within the approved document.

Reason: To encourage and promote sustainable transport to accord with policies T DM1 and T SP1 of the Arun Local Plan.

- 7 Prior to the first occupation of any dwelling forming part of the proposed development, the developer will, at their own expense, install the fire hydrants in the approved locations as shown on drawing F4926-MD-01 "Mains Design" to BS750 standards for stored water supply and arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting.

Reason: In the interests of amenity and in accordance with policy INF SP1 and TSP1 of the Arun Local Plan and in accordance with The Fire & Rescue Service Act 2004.

- 8 No dwelling shall be occupied unless and until there has been submitted to, and approved by the Local Planning Authority, a scheme of signage/visual measures to alert users of Public Right of Way no. 329 to give way and/or watch for other pedestrians/cyclists at the junction of this path with North End Road and the junction of the path with the pavement running alongside the school boundary (almost opposite plot 31). The approved measures shall thereafter be implemented in full prior to occupation of any houses. The approved signs/visual measures shall thereafter be permanently retained in a condition that is fit for purpose.

Reason: To ensure the safety of pedestrians and cyclists within the development in accordance with policies T SP1 & T DM1 of the Arun Local Plan and paragraphs 108-110 of the NPPF.

- 9 The car parking spaces hereby approved shall not be used for any purpose other than for the parking of vehicles and the approved 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.

- 10 All bathroom and toilet windows in the elevations of any of the buildings hereby approved shall be glazed with obscured glass and permanently retained so 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.

- 11 No windows (other than those shown on the plans hereby approved) shall be constructed in the 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.

- 12 Notwithstanding the provisions of Parts 1 & 20 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (as amended) (or any Order revoking or re-enacting this Order) no front dormer/roof extensions/alterations to the buildings associated with plots 1 & 38 or rear dormer/roof extensions/alterations to the buildings associated with plots 3 & 4 shall be constructed unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: In the interests of protecting the character & appearance of the North End Road streetscene in accordance with policies D SP1 and D DM1 of the Arun Local Plan.

- 13 Notwithstanding the provisions of Parts 1 & 20 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (as amended) (or any Order revoking or re-enacting this Order) no side dormer/roof extension/alteration to the building associated with plot 34 shall be constructed unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: In the interests of protecting the privacy of the adjacent School in accordance with policies D DM1 and QE 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: The applicant should note that this layout has been approved without the support of the Councils drainage engineers 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.

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 26/08/20) as available on the Councils website.

INFORMATIVE: The granting of this Reserved Matters permission does not give any formal approval to the matters required to be approved in writing in connection with conditions 2, 7, 8, 9, 10, 11, 14, 15, 16 & 19 of Y/88/18/OUT. Although approval for some of these matters may be implied through this Reserved Matters permission, a separate Discharge of Conditions application is required to formally agree these details.

INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read the New Connections Services Charging Arrangements documents which is available to read on the SW website: <https://beta.southernwater.co.uk/infrastructurecharges>.

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.

INFORMATIVE: This decision has been granted in conjunction with a Deed of Variation (DoV) to the Section 106 legal agreement that accompanied the decision on Y/88/18/OUT. This new DoV amends the affordable housing mix and makes amendments to the wording of the provisions relating to the education and library contributions.



Neil Crowther
Group Head of Planning

Case Officer:

Mr S Davis

Arun District Council

Decision Issued: **4th February 2021**

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).