

DECISION NOTICE

Application Ref: Y/98/18/RES

1 To Addressee

Miss Z Knott
Nexus Planning
Fifth Floor
Thames Tower
Station Road
RG1 1LX

2 Site Address

Land off Burndell Road
Yapton

3 Description of Development

Approval of reserved matters (access, appearance, landscaping, layout and scale) following outline permission Y/19/16/OUT for 108 residential dwellings, with associated parking, road/footway/cycleway provision, open space, landscaping, surface water attenuation and ancillary works.

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:

Full Plot Schedule of Materials and Parking Rev D;
18-070-001 Rev D Parking Technical Note;
18-070-002 Rev J Drainage Strategy Technical Note;
18-1065-001-1st Location Plan;
18-1065-005 Rev E Site Plan Planning Layout;
18-1065-006 Rev D Site Plan Planning Layout Coloured;
18-1065-007 Rev D Site Plan Planning Layout Massing;
18-1065-008 Rev D Site Plan Planning Layout Refuse Strategy;
18-1065-009 Rev D Site Plan Planning Layout Parking Strategy;
18-1065-010 Rev D Site Plan Planning Layout PV Location;
18-1065-011 Rev B Site Plan Planning Layout Affordable Housing Tenure Plan;
18-1065-015 Plot 1, House 7 Spruce, Floor & Elevations;
18-1065-016 Plots 2 & 3, House Type 5 Hazel, Floor & Elevations;

18-1065-017 Rev A Plot 4 House Type 8 Cypress Floor Plans and Elevations;
 18-1065-018 Rev A Plot 5 House Type 8 Cypress Floor Plans and Elevations;
 18-1065-019 Rev A Plots 6 & 7 House Type 9 Beech Floor Plans and Elevations;
 18-1065-020 Plots 8 & 9, House Type 5 Hazel, Floor & Elevations;
 18-1065-021 Plots 10 & 11, House Type 5 Hazel, Floors & Elevations;
 18-1065-022 Plots 12 & 13, House Type 9 Beech, Floors & Elevations;
 18-1065-023 Plot 14, House Type 12 Juniper, Floors & Elevations;
 18-1065-024 Plot 15, House Type 13 Chestnut, Floors & Elevations;
 18-1065-025 Plots 16 & 17, House Type 4 Holly, Floors & Elevations;
 18-1065-026 Rev A Plot 18 House Type 12 Juniper Plans and Elevations;
 18-1065-027 Plots 19 & 20, House Types 7 Spruce & 5 Hazel, Floors & Elevations;
 18-1065-028 Rev A Plots 21-24 House Type 9 Beech Floor Plans;
 18-1065-029 Rev A Plots 21-24 House Type 9 Beech Elevations;
 18-1065-030 Plot 25, House Type 12 Juniper, Floors & Elevations;
 18-1065-031 Plot 26, House Type 11 Willow, Floors & Elevations;
 18-1065-032 Plot 27, House Type 12 Juniper, Floors & Elevations;
 18-1065-033 Plots 28 & 29, House Type 4 Holly, Floors & Elevations;
 18-1065-034 Rev A Plot 30 House Type 12 Juniper Floor Plans and Elevations;
 18-1065-035 Plot 31, House Type 12 Juniper, Floor & Elevations;
 18-1065-036 Plot 32, House Type 12 Juniper, Floors & Elevations;
 18-1065-037 Plots 33-35, House Type 4 Holly, Floors & Elevations;
 18-1065-038 Plot 36, House Type 13 Chestnut, Floor & Elevations;
 18-1065-039 Plot 37, House Type 13 Chestnut, Floors & Elevations;
 18-1065-040 Rev A Plots 38 & 39 House Type 5 Hazel Floor Plans and Elevations;
 18-1065-041 Plots 40-42, House Type 4 Holly, Floors & Elevations;
 18-1065-042 Plots 43-45, House Type 4 Holly, Floors & Elevations;
 18-1065-043 Rev A Plot 46 House Type 12 Juniper Plans and Elevations;
 18-1065-044 Rev A Plot 47 House Type 11 Willow Floor Plans and Elevations;
 18-1065-045 Rev A Plots 48 to 51 House Type 9 Beech Floor Plans;
 18-1065-046 Rev A Plots 48-51 House Type 9 Beech Elevations;
 18-1065-047 Rev A Plots 52 & 53 House Types 5 & 7 Hazel & Spruce Floor Plans and Elevations;
 18-1065-048 Rev A Plot 54 House Type 7 Spruce Floor Plans and Elevations;
 18-1065-049 Rev A Plot 55 House Type 5 Hazel Floor Plans and Elevations;
 18-1065-050 Plots 56-63, 1 & 2 Bedroom Apartments, Floor Plans;
 18-1065-051 Plots 56-63, 1 & 2 Bedroom Apartments, Elevations;
 18-1065-052 Plots 64-66, House Type 24 2BH Cherry, Floors & Elevations;
 18-1065-053 Plots 67-74, 1 & 2 Bedroom Apartments, Floor Plans;
 18-1065-054 Plots 67-74, 1 & 2 Bedroom Apartments, Elevations;
 18-1065-055 Rev A Plot 75 House Type 5 Hazel Floor Plans and Elevations;
 18-1065-056 Rev A Plot 76 House Type 8 Cypress Floor Plans and Elevations;
 18-1065-057 Plots 77 and 78 House Type 4BH Floors & Elevations;
 18-1065-058 Rev A Plot 75 House Type 7 Spruce Floor Plans and Elevations;
 18-1065-059 Rev A Plot 80 House Type 5 Hazel Floor Plans and Elevations;
 18-1065-060 Plots 81 and 82 House Type 25 3BH Apple Floors & Elevations;
 18-1065-061 Rev A Plots 83 & 84 House Type 9 Beech Floor Plans and Elevations;
 18-1065-062 Plot 85 House Type 11 Willow Floors & Elevations;
 18-1065-063 Rev A Plot 86 House Type 12 Juniper Floor Plans and Elevations;
 18-1065-064 Rev A Plot 87 House Type 11 Willow Floor Plans and Elevations;
 18-1065-065 Rev B Plots 88 & 89 House Types Hazel & Spruce Floor Plans and Elevations;
 18-1065-066 Plots 90-92 House Type 25 3BH Apple Floors & Elevations;
 18-1065-067 Plots 93-98 1 Bedroom Apartments Floor & Elevations;
 18-1065-068 Plot 99, House Type 7 Spruce, Floors & Elevations;

18-1065-069 Plot 100, House Type 5 Hazel, Floors & Elevations;
 18-1065-070 Plots 101 & 102, House Type 4 Holly, Floors & Elevations;
 18-1065-071 Rev A Plots 103 & 104 House Type 8 Cypress Floor Plans and Elevations;
 18-1065-072 Rev A Plot 105 House Type 12 Juniper Floor Plans and Elevations;
 18-1065-073 Plot 106, House Type 8 Cypress, Floors & Elevations;
 18-1065-074 Plot 107, House Type 12 Juniper, Floors & Elevations;
 18-1065-075 Rev A Plot 108 House Type 7 Spruce Floor Plans and Elevations;
 18-1065-079 Rev B Boundary Walls & Fences Plan;
 18-1065-080 Rev A Garages Car Ports and Ancillary Buildings Plans & Elevations;
 18-1065-081 Rev D Street Scene and Site Section 1 of 3;
 18-1065-082 Rev D Street Scenes and Site Sections 2 of 3;
 18-1065-083 Rev D Street Scenes and Site Sections 3 of 3;
 18-1065-084 Rev A Demountable Fence Details;
 18-070-100 Rev E Refuse Vehicle Tracking;
 18-070-101 Rev E Fire Tender Vehicle Tracking;
 18-070-102 Rev D Private Car Vehicle Tracking;
 18-070-103 Rev P Preliminary Engineering Layout;
 18-070-104 Rev D General Arrangement;
 18-070-105 Rev F Overland Flow Route;
 18-070-106 Rev D Street Lighting Plan;
 18-070-107 Rev D Pumping Station Tanker Vehicle Tracking;
 18-070-108 Adoptable Drainage Construction Details Sheet 1 of 2;
 18-070-109 Rev C Adoptable Drainage Construction Details Sheet 2 of 2;
 18-070-110 Rev C Private Drainage Construction Details Sheet 1 of 2;
 18-070-111 Rev A Private Drainage Construction Details Sheet 2 of 2;
 18-070-112 Rev C Private Highway Construction Details;
 18-070-113 Rev E Outfall Catchment Plan;
 18-070-114 Rev D Attenuation Pond Detail;
 18-070 Storm Sewer Design (25/06/19);
 V4 541 19 Yapton (JW2885) Buoyancy of the Sealing System (GCL) + Cover Soil Layer (15/07/19);
 E133119 Loadings - Tank 1;
 E133119 Loadings - Tank 2 Rev 1;
 E133119 Loadings - Tank 3;
 E133119_01 Rev C Attenuation Tank 1 Detail;
 E133119_02 Rev B Attenuation Tank 2 Detail;
 E133119_03 Rev C Attenuation Tank 3 Detail;
 STS2477 Rev B 1.6m Dp. Modular Water Retaining Tank Proposal Drawing;
 STS2477 Rev 0 1.6m Precast Concrete Storm Water Attenuation Tank - Preliminary Floatation Check
 Letter dated 12/06/19 ref GE18233/GR02/190612 re trial pit soakage testing;
 SSE235781 Letter of Approval (12/02/19);
 Kopie von 190712_A1_Auftrieb_RRB;
 18-070 SW Network (15/07/19);
 BOV22172-11 Rev M sheet 1 Soft Landscape Proposals;
 BOV22172-11 Rev M sheet 2 Soft Landscape Proposals;
 BOV22172-11 Rev M sheet 3 Soft Landscape Proposals;
 BOV22172-11 Rev M sheet 4 Soft Landscape Proposals;
 BOV22172-11 Rev M sheet 5 Soft Landscape Proposals;
 BOV22172-12 Rev J sheet 1 Hard Landscape Proposals;
 BOV22172-12 Rev J sheet 2 Hard Landscape Proposals;
 BOV22172-12 Rev J sheet 3 Hard Landscape Proposals;

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 All activity at the site is to be carried out in strict accordance with: - Arboricultural Impact Assessment & Method Statement, Report Ref: BOV22172aia-amsD, Revision D: 04.04.2019 (ACD Environmental) and the Tree Protection Plan ref BOV22172-03 Rev D.

Reason: 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 provide amenity to the area - in accordance with Arun Local Plan policy ENV DM4

- 3 Within 1 month of this planning permission being granted, a remediation strategy giving full details of the remediation measures required and how they are to be undertaken shall be submitted to and approved, in writing, by the local planning authority. The removal of any made ground and any impacted soil should be overseen by a suitably qualified, independent specialist and under appropriate safe systems of work. The approved remediation measures shall thereafter be implemented in complete accordance with the agreed report and permanently retained thereafter.

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 Local Plan policies QE SP1 and QE DM4.

- 4 Within 1 month of this planning permission being granted, a Site Meeting is to take place between the Arun DC Tree Officer and the Arboricultural Expert representing the site owners - at this meeting all protective fencing will be inspected along with ground protection measures - they will be assessed to verify that 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 dwg. no. BOV22172-03D, dated November 2018.

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 further 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 provide amenity to the area - in accordance with Arun Local Plan policy ENV DM4.

- 5 Prior to occupation of any part of the approved 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. Any material removed from site must be taken to a suitable facility and evidence of this can be included in the verification report or provided as a stand-alone document.

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 Local Plan policies QE SP1 and QE DM4.

- 6 Prior to the occupation of any of the dwellings, a strategy 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 and diesel cars/vans will not be sold beyond 2040, 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 District Council Electric Vehicle Infrastructure Study (November 2017) and the National Planning Policy Framework.

- 7 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, if required, has 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.

- 8 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, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until it has been investigated by the developer. 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 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 policy QE DM4 of the Arun Local Plan.

- 9 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 and D SP1 of the Arun Local Plan.

- 10 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 and D SP1 of the Arun Local Plan.

- 11 The garages and car parking spaces hereby approved on this development shall not be used for any purpose other than the parking of vehicles 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.

- 12 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.

- 13 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.

- 14 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 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.

- 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 rear extensions to plots 12, 13, 33, 34, 35, 38, 39, 40, 41, 42, 43, 44, 45, 64, 65, 66, 81, 82, 89, 90, 91 & 92 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.

- 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 buildings shall be erected within the curtilages of plots 16, 17 or 18 other than any as already shown unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To safeguard the integrity of the 5m buffer to the adjacent watercourse in accordance with policy W DM3 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: Please note that this approval does not negate the need for obtaining ordinary watercourse land drainage consent prior to any works to the drain outfalls.

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 15/01/19) as available on the Council's website.

INFORMATIVE: All precautions must be taken to avoid discharges and spills to the ground both during and after construction. For advice on pollution prevention measures, the applicant should refer to the Environment Agency guidance note PPG 1 "General Guide to the Prevention of Pollution" which can be found on the GOV.UK website using the following link: <https://www.gov.uk/government/publications/basic-good-environmental-practices-ppg1-prevent-pollution>. In the event of a pollution incident, all works should cease immediately and the Environment Agency should be contacted via the incident hotline 0800 80 70 60 (24-hour service).

INFORMATIVE: Please note that this development may require an environmental permit, a variation of an existing permit or an exception from an environmental permit from the Environment Agency. Further information can be found on the gov.uk website - www.gov.uk/topic/environmental-management/environmental-permits or www.gov.uk/guidance/discharges-to-surface-water-and-groundwater-environmental-permits. The Applicant must ensure that the operations at the site are in accordance with the Environmental Permitting (England and Wales) Regulations 2016. The Applicant is advised to contact the National Customer Contact Centre on 03708 506 506 (Monday to Friday 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk. Please note that the need for an environmental permit is separate to the need for planning permission. The granting of planning permission does not necessarily lead to the granting of a permit.

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: Should any protected species or evidence of any protected species be found prior to or during the development, all works must stop immediately and an ecological consultant or Chichester District Council's ecologist contacted for further advice before works can proceed. All contractors working on site should be made aware of this advice and provided with the contact details of a relevant ecological consultant.

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 737500.

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 our New Connections Services Charging Arrangements documents which is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructurecharges>.

A handwritten signature in black ink, consisting of stylized, cursive letters, likely representing the name 'Arjun'.

Neil Crowther
Group Head of Planning

Case Officer: Mr S Davis

Decision Issued: **17th September 2019**

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 public highway (including the placing of skips on highway land).