



Town & Country Planning Act 1990 (as amended)
Town and Country Planning (Development Management
Procedure) (England) Order 2015
Application for Planning Permission
DECISION NOTICE

Application Ref: A/219/17/PL

1 To Addressee

Rabble Place Ltd
 Rabble Place
 18 Shacklewell Lane
 London
 E8 2EZ

2 Site Address

Land East of Windy Ridge
 Mayflower Way

 BN16 4AY

3 Description of Development

12No. Social dwellings for Angmering Community Land Trust, including two communal bike stores, a pedestrian mews and orchard. Departure from the Development Plan.

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 following conditions and Section 106 Agreement.

- 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:
 Location Plan 001 rev01, Detailed Site Plan 201 rev02, Proposed Block Plan 002 rev01, Landscape Plan 1141/01 revA, Terrace A Drawing Sheet 204 rev01, Terrace A- 1 bed -Detail 209 rev00, Terrace A -3bed - Detail 208 rev00, Terrace B - 2 Bed - Detail 207 rev00, Terrace C - Flats - Detail 210 rev00, Terrace B drawing 205 rev01, Terrace C Drawing Sheet 206 rev 01, Proposed Site Elevations 203 rev00.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy DDM1 of the Arun District Local Plan.

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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
 - 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.

Where demolition is required 1. and 2. above should be submitted prior to demolition. Parts 3. and 4. can take place post demolition if necessary.

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 policy QESP1 and QE DM4. This is required to be a pre-commencement condition because these details have to be agreed and in place before any work commences.

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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 policies QESP1 and QE DM4.

- 5 Prior to occupation of any part of the permitted 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 Local Plan policies QESP1 and QE DM4.

- 6 No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved by, the Local Planning Authority. The Approved Plan shall be adhered to throughout the construction period. The Plan shall provide for :
- a. An indicative programme for carrying out the works
 - b. The arrangements for public consultation and liaison during the construction works.
 - c. Measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method should foundation piling occur, the careful selection of plant and machinery and use of noise mitigation barriers.
 - d. Detail of any flood lighting, including location, height, type and direction.
 - e. The parking of site operatives and visitors
 - f. Loading and unloading of plant and materials
 - g. Storage of plant and materials used in construction and development
 - h. Wheel washing facilities
 - i. Measures to control the emission of dust and dirt during construction

Reason: In order to safeguard the amenity in accordance with policy DDM1 of Arun Local Plan. This is required to be a pre-commencement condition because these details have to be agreed and in place before any work commences.

- 7 During the construction period no plant or machinery shall be operated, no process carried out and no deliveries taken or despatched from the site except between the hours of 07:00 and 18:00 hours on Monday to Fridays inclusive; 08:00 and 13:00 hours on Saturday; not at any time on Sundays or Public or Bank Holidays

Reason: To safeguard the amenities of neighbouring properties in accordance with Arun Local Plan policies QE SP1 and QE DM1.

- 8 External lighting in association with this development shall comply with Institution of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light, Obtrusive Light Limitations for Exterior Lighting Installations for Zone E - Rural.

Reason: To control the residential amenities of the local environment in accordance with Arun Local Plan policies QE SP1, QE DM2 and D DM1.

- 9 Landscaping (hard and soft) shall be carried out in accordance with the details shown on plan (1141/01 revA). All planting, seeding or turfing comprised in the approved details shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and of the environment of the development in accordance with policy DDM1 of the Arun Local Plan.

- 10 All activity at the site is to be carried out in strict accordance with: - Arboricultural Implications Assessment Report Ref: JH4.22, dated 9th November 2017 (Broad Oak Tree Consultants Ltd).
- 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 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 ref: J54.22/02, dated 05/11/2017.
 - 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 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 DDM1 of Arun Local Plan. It is considered necessary for this to be a pre-commencement condition to ensure the retention of important trees.

- 11 Development shall not commence, other than works of site survey and investigation, 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, and 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 / No part of the extended 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 maintained in good working order in perpetuity.

Reason : To ensure that the proposed development is satisfactorily drained in accordance with policies WDM1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition to ensure that the surface water disposal scheme is agreed before construction commences.

- 12 Immediately following implementation of the approved surface water drainage system and prior to occupation of any part of the development, the developer/applicant shall provide the local planning authority with as-built drawings of the implemented scheme together with a completion report prepared by an independent engineer that confirms that the scheme was built in accordance with the approved drawing/s and is fit for purpose. The scheme shall thereafter be maintained in perpetuity.

Reason : To ensure that the proposed development is satisfactorily drained in accordance with policies WDM1 of the Arun Local Plan.

- 13 Development shall not commence until full details of the maintenance and management of the surface water drainage 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 manufacturer's recommended design life. Upon completed construction of the surface water drainage system, the owner of management company shall strictly adhere to and implement the recommendations contained within the manual.

Reason : To ensure that the proposed development is satisfactorily drained in accordance with policies WDM1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition to ensure that the future maintenance and funding arrangements for the surface water disposal scheme are agreed before construction commences.

- 14 Upon completed construction of the surface water drainage system but prior to occupation of any part of the scheme, the owner or management company shall either provide the local planning authority with an updated copy of the management manual incorporating any changes as a result of construction/implementation or confirm in writing that no changes are required to the manual.
- No further changes shall be made to the approved surface water drainage system Maintenance & Management Plan/Regime including the management company responsible or the financial arrangements between the owners of the dwellings & the management company other than with the written consent of the Local Planning Authority.
- The owner or management company shall thereafter strictly adhere to and implement the recommendations contained within the manual to ensure that the system is maintained in perpetuity.
- Reason : To ensure the efficient maintenance and on-going operation of the surface water drainage system and to ensure the best practice in line with guidance set out in 'The SuDS Manual' CIRIA publication ref: C753 Chapter 32, in accordance with policy WDM1 of Arun Local Plan.
- 15 The first floor window on the east elevation of unit 1 shall at all times be glazed with obscured glass and fixed to be non-opening below 1.7m.
- Reason: To protect the amenities and privacy of the adjoining property in accordance with policies DDM1 of Arun Local Plan.
- 16 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 at first floor level in the east elevation of unit 1 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 policy DDM1 of the Arun Local Plan.
- 17 Prior to commencement of development the hedgerows on site used by bats for commuting and foraging will need to be retained and enhanced for bats in accordance with details to be submitted to and approved by the Local Planning Authority and retained in perpetuity. This will include having a 5m buffer strip around the hedgerows and the provision of fencing and filling of gaps using native hedge species.
- Reason: To ensure that hedgerows are retained for bats in accordance with policy ENV DM5 of Arun Local Plan. It is considered necessary for this to be a pre-commencement condition to ensure the retention of the hedges during the course of development.

- 18 Prior to commencement of development a badger survey shall be undertaken and submitted to the Local Planning Authority to ensure badgers are not using the site. If a badger sett is found onsite, Natural England should be consulted and a mitigation strategy produced for approval by the Local Planning Authority and the approved details provided on site and retained in perpetuity.

Reason: To ensure that if badgers are present they are protected in accordance with policy ENV DM5 of Arun Local Plan. It is considered necessary for this to be a pre-commencement condition to ensure the protection of badgers.

- 19 Following implementation of the development and prior to occupation the following items shall be provided in accordance with details to be submitted to and approved by the Local Planning Authority .
- Bat and bird boxes shall be installed on the site
 - Grassland areas shall be managed to benefit reptiles.
 - Log piles shall be provided on site
- The items so provided shall be retained in perpetuity.

Reason: To ecologically enhance the area in accordance with policy ENV DM5 of the Arun Local Plan.

INFORMATIVE: Fire Safety. Terraces A-C. The only means of escape in the event of fire from first floor bedrooms is through an open plan kitchen/diner and so these bedrooms are inner rooms. The hazard can be mitigated by creating a ground floor lobby from the stairs to the front door which would be necessary in every case.

The only means of escape in the case of the flats in Terrace C is through the open plan kitchen and so they are inner rooms. The risk can be mitigated in the ground floor flat by ensuring that the bedroom window complies with fire escape window requirements. There is no easily apparent way of mitigating the risk in the first floor flat as fire escape windows at first floor or above are not acceptable to Environmental Health since this replaces one hazard with another

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: It is recommended that main access doors are fitted with a door viewer or door opening limiter and safety chain. Door letter boxes should be fitted with a security cowling. If there are constraints which prevent door mounted letter plates then a surface mounted letter box can be used which must be robust in its construction. TS 009 letter boxes offer reassuranceThe letter box must be securely fitted to the face of the building in accordance with manufacturer's instructions in a location they can be easily viewed.

INFORMATIVE: Secured by Design 'Homes 2016' which can be found at www.securedbydesign.com recommends that all door sets allowing direct entry into the homes, eg front and rear doors, interconnecting garage door sets , French doors, Bi-fold or sliding patio doors, apartment entrance door sets and easily accessible balcony door sets shall be certified to one of the following standards. PAS 24:2016, STS 202 or LPS 1175 Issue7 SR2. All easily accessible windows shall also be certified to PAS 24:2012 BS EN 1672 Class 3. Easily accessible is defined within Building Regulations Document Q Appendix A as: (A window or door set, any part of which is within 2 metres of an accessible level surface such as a ground floor or basement level or an access balcony.)

INFORMATIVE:

Bats- The lighting scheme for the site will need to take into consideration the presence of bats in the local area and the scheme should unnecessary artificial light spill through the use of directional light sources and shielding.

Reptiles - A precautionary approach should be taken within the site area with regards to reptiles.

Site clearance should be conducted during the season reptiles are active and the vegetation should be cut down to 10cm prior to any works taking place and then carefully cleared. Any dead wood or rubble piles should be dismantled by hand and relocated.

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: This decision has been granted in conjunction with a Section 106 legal agreement relating to the management and occupation of the units for provision of Local Needs Affordable Housing in Perpetuity by a Locally Approved Affordable Housing Provider.



Neil Crowther
Group Head of Planning

Case Officer: Mrs A Gardner

Date of Decision: **18 October 2018**

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).

