

DEVELOPMENT CONTROL COMMITTEE

9 MAY 2018

OFFICER REPORT UPDATES

REPORT UPDATE

Application no: AL/8/18/PL
Page no: 0
Location: Land between 8 & 10 Barnett Close Eastergate
Description: Erection of 2 No. 2 bedroom dwellings with associated parking & landscaping.

UPDATE DETAILS

Reason for Update/Changes:

The first page of the officer report states under the heading "Description of Application" that :

"It should be noted that although this is an ADC application, it is not to be assumed the dwelling will become a 'Council House' and it may well be developed as market housing."

The applicant has requested that members be made aware that although the council is not obliged to use the properties as affordable housing (i.e. they will not be subject to a s106 restriction), it is the Councils intention to use them as council housing to replace some of the units lost through the right to buy in accordance with the Housing Revenue Account Business Plan which has been adopted by the Council.

Officers Comment:

There are no changes to the recommendation or conditions.

REPORT UPDATE

Application no: A/84/17/PL
Page no: 0
Location: Rustington Golf Centre Golfers Lane Angmering
Description: New retail unit with mezzanine together with associated car parking & service road - This is a Departure from the Development Plan

UPDATE DETAILS

Reason for Update/Changes:

A former member of Littlehampton Town Council has written in to assert that the statement on bus provision in the Committee report is not accurate. There is a bus stop located in the Rustington Retail Park which requires a walk up the A259 to cross at traffic lights. The number 12 bus runs hourly between 10am and 2pm Monday to Friday only. Stating it offers an hourly service gives the impression it runs for longer than these times. A store of this size, combined with the leisure provision which exists on the site, should be required to contribute to an enhancement of this service.

Officers Comment:

Table 4.1 on page 8 of the submitted Transport Assessment sets out the bus services and frequencies at the nearest bus stops, which are located at Rustington Retail Park, 700 metres to the south east of the site; and on Mill Lane situated approximately 900 metres south of the site. Table 4.1 gives the approximate frequency of Bus service 12 (Sainsbury's - Rustington - Littlehampton -Wick - Tesco) as every hour from Mondays to Saturdays). The applicant has been informed by the case officer of the correct times of the number 12 bus.

REPORT UPDATE

Application no: EP/7/18/PL
Page no: 0
Location: Land rear of Beechlands Cottages Beechlands Close EAST PRESTON
Description: Demolition of existing buildings and erection of 2 no. dwellings with associated car ports/parking, alterations to existing access and relocation of staircase to flats - Amendment to EP/138/17/PL

UPDATE DETAILS

Reason for Update/Changes:

1 Objection which adds to previous comments made in an earlier representation..

- We have never considered the existing metal staircase used by Greenmanor's tenants to access their flats from their parked cars to be an "impediment".
- It forms the only access to the rear compound for tenants living over the shops from where they have been allowed by the landlord to park their vehicles regardless of their leases
 - The tenants safety needs to be considered and the relocation of the staircase affects this ..
 - Vehicles may well be displaced .
- The "improved access" on the western side with yellow lines and "enforceable no parking" will further impact upon the tenants of the retail outlets who park there at present to load and unload, they would have to utilise the parking at the front. This is supposed to be for customer parking and limited waiting time dependent, it may not necessarily be available when required for loading and unloading, these vehicles should be included as being displaced
- Are the delivery vehicles/waste disposal vehicles using this new improved Western access route for the shops and flats able to access this narrow entrance?
- Are they expected to reverse back out into Beechlands Close?, clearly they will not be able to turn around and therefore, is that safe practice?
- A door opening out onto this new vehicular non public route would have to be considered an obstruction/hazard to one party or another. The pedestrian access would be under a "not uncommon shared surface arrangement" and "no pedestrian zones would be required". A pavement would also further restrict the width of the route for vehicles having to use it.
- The tenants of flat numbers 139 & 143 have no internal staircase to allow direct access to the front parade, even though it still appears on some plans.
- The distance for the young family in flat 143 to the new proposed fire escape is unaltered at 34 metres and the landlord's most recent tenants adjacent to them in flat number 139 have a child. If there is a fire in either of the 2 Northern end flats over the shops, numbers 129 (over fish & chip shop) & 133, have no viable safe means of escape for the residents if the fire escape were to be relocated as per the plan. In these circumstances people including young children would be directed towards the hazard via the various obstructions on the balcony,
- As residents of 125 North Lane for the last 43 years we do not consider "The Standard" 10 metres from the rear boundary relevant when it comes to our loss of amenity,

Officers Comment:

As previously stated satisfactory means of escape would be dealt with by Building Regulations.

County highways have no objection to the proposal in terms of - Impeding access to the rear of the shops or the adjoining property/ Access by emergency vehicles/ The position and provision of car parking or Highway safety.

The 10m distance used to assess the impact on residential amenity is not dependant on the length of time neighbours have been in residence.

REPORT UPDATE

Application no: FG/206/17/PL
Page no: 0
Location: Land at Asda Superstore Littlehampton Road Ferring
Description: Installation of a Six Pump (12 Filling Position) Petrol Filling station, Drive-to-Pay Kiosk & associated works including Jet Wash, Air/ Water Services & Vacuum Equipment

UPDATE DETAILS

Reason for Update/Changes:

2 additional representations in support received stating:

- There is a distinct lack of petrol stations on the westbound carriageway of the A259 in the Worthing/Ferring area. There isn't one until you reach Littlehampton.

1 comment from Ward Member:

- Being so close to the eastern boundary of the new "Greenside" estate there are pollution issues concerning noise, light, and air quality.
- It would have been better placed to the western side of the ASDA property than to the current application on the eastern side.
- Although there have been compromises concerning opening hours of the unit, and ongoing deliveries, there will still be 'unsocial pollution'.
- Environmental Health issues seem to have been overlooked, as some of the new residents have health issues which may be exacerbated by the above-mentioned pollution concerns; Crohns Disease being one of them.
- The air-pollution which would be carried by the prevailing south-west wind might well have ongoing, long-term health issues, which residents of the "Greenside" estate may subsequently suffer. Any proven pollution that would affect their health could result in law-suits which would negate the convenience of a petrol station in that immediate area.

A substantial reassessment should be considered, for the proposed petrol station to be placed at the western boundary of the ASDA property

Additional comments on representations:

The environmental health officer has been re-consulted and her comments are being considered and conditions amended accordingly.

If the petrol filling station was re-located to the west side of the site frontage it would be more prominent visually since the backdrop would be flat and open.

Consultation Responses:

Drainage Engineer:

Condition ENGD2A still applies.

The application proposes to attenuate surface water before discharging using an existing hydrobrake to control the volume discharged from the site. It is stated that infiltration is not suitable because of ground conditions, but no evidence of winter infiltration testing has been provided. This will need to be provided.

Calculations will need to be updated to include for +40% climate change.

It is good to see that the drainage from the hazardous zone is to go to foul sewer and not to surface water disposal. In principle the plans are agreed, if it can be proven that infiltration is not feasible. Further details will be required to discharge the condition.

Environmental Health Officer:

Please condition

Hours of Operation.

*Petrol Filling Station: Hours of operation to be as stated in the supporting statement ie 07:00 to 22:30 hours Monday to Saturday and 10:00 to 17:00 on any Sunday, Public or Bank Holiday.

*Fuel Tanker Delivery: To be as stated in the supporting statement ie 06:00 to 23:00 hours Monday to Saturday and 07:00 to 23:00 hours on any Sunday, Public or Bank Holiday except that the delivery vehicle shall vacate the site by no later than 23:00 hours.

Jet Washes, Vacuum unit and air/water supply.

Jet washers and vacuum units: Monday to Saturday, 8.30 to 20:00 hours.

Air/Water unit(s): Monday to Saturday 8:00 to 20:00 hours.

Operation on any Sunday or Bank Holiday

Operating hours of the 2 x Jet Washes and Vacuum unit to reflect the retail use ie 10:00 hours to 16:00 hours.

Operating Hours of the air/water unit to reflect the use of the petrol filling station ie 10:00 to 17:00 hours.

*Tannoy/Alarm. Operation of any tannoy, or alarm system to be inaudible at the site of the nearest residential boundary.

Officers Comment:

The conditions requested by Environmental Health have been added to the recommendation. Conditions 4 and 9 have been amended and conditions 14 and 15 have been added.

Note: The changes to recommendation, conditions and/or reasons are attached on the amended replacement recommendation sheet.

Installation of a Six Pump (12 Filling Position) Petrol Filling station, Drive-to-Pay Kiosk & associated works including Jet Wash, Air/ Water Services & Vacuum Equipment

Land at Asda Superstore
Littlehampton Road
Ferring

RECOMMENDATION

Approve Conditionally

- 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:

Site Location A-17-31-fw 100 01 revC
Landscape Plan 200 06 revB,
Proposed Drainage Layout 05.16049-ACE-00-XX-DR-D-50-0101-P05
Proposed Site Plan 200 02 revB
Site Sensitivity Information 200 08 rev A
Geo Environmental Appraisal 400-07 revA
Tank Farm General Arrangement 05.16049-ACE-00-XX-DR-S-20-0201-P02
Proposed PFS Plan 200 04 revB
Proposed Forecourt Sections 400 01 revB
Proposed Kiosk Plans & Section Plan A 17 31 FW 200 05 revA
Proposed Site Elevations A 17 31 FW 300 01 rev A
Proposed Kiosk Elevations A 17 31 FW 300 02 revA
PFS Standard Details plan A-17-31 FW 500 01 rev A
Asda PFS Stacking Diagram ATR02

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.

- 3 All external lighting shall be switched off 1 hour after closure of the filling station and shall be switched on no more than 1 hour before opening of the filling station.

Reason: To control the visual amenity of the local environment in accordance with Arun District Local Plan policies GEN7, GEN33

- 4 The Petrol Filling Station shall only operate within the times 07:00 to 22:30 hours Monday to Saturday and 10:00 to 17:00 on any Sunday, Public or Bank Holiday as stated in the CA Des Environmental Risk Assessment (Planning Portal Entry, 24th April 2018).

Reason: In the interests of amenity in accordance with Arun District Local Plan policies GEN7 and GEN32.

- 5 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 maintained in good working order 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. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

- 6 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 E3, Suburban. Special consideration to be given in respect of housing to the immediate east of this proposed development

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

- 7 The development hereby permitted shall not be commenced until such time as a scheme to install, monitor and maintain the underground tanks has been submitted to, and approved in writing by, the local planning authority.

The scheme shall include the full structural details of the installation, including details of excavation, the tank(s), tank surround, tertiary containment, associated pipework, monitoring system and maintenance, monitoring & sampling schedule.

The scheme shall be fully implemented and the tanks and associated infrastructure subsequently maintained and monitored, in accordance with the scheme, or any changes as may subsequently be agreed, in writing, by the local planning authority.

Reason :To protect and prevent the pollution of the water environment from potential pollutants associated with proposed land uses in line with National Planning Policy Framework (NPPF; paragraphs 109, 120 and 121), EU Water Framework Directive, and Environment Agency Groundwater Protection Position Statements (2017) D2 and D3 and in the interests of protection of the environment and prevention of harm to human health in accordance with Arun District Local Plan policy GEN7. This is required to be a pre-commencement condition because these details have to be agreed and in place before any work commences.

- 8 The development hereby permitted shall not be occupied until such time as a validation report has been completed, which includes evidence that the tanks and associated infrastructure have been completed in accordance with the scheme approved under condition 7. The validation report should be submitted to, and approved in writing by, the local planning authority.

Reason: To protect and prevent the pollution of the water environment from potential pollutants associated with the proposed land uses.

- 9 The Jet washers and vacuum unit shall only operate on Monday to Saturday, 8.30 to 20:00 and the Air/Water unit(s): only on Monday to Saturday 8:00 to 20:00 hours Operation on any Sunday or Bank Holiday for the 2 x Jet Washes and Vacuum unit(s) shall be between 10:00 hours to 16:00 hours and for the air/water unit shall be 10:00 to 17:00 hours.

Reason: To protect the amenities of occupiers of adjoining properties in accordance with Arun District Local Plan policies GEN7 and GEN32.

- 10 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 protect and prevent the pollution of the water environment in line with National Planning Policy Framework (NPPF; paragraphs 109 and 121), EU Water Framework Directive, and Environment Agency Groundwater Protection Position Statements (2017) A4 - A6, J1 - J7 and N7 and 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.

- 11 No drainage systems for the infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to the water environment. The development shall be carried out in accordance with the approval details.

Reason: To protect and prevent the pollution of the water environment in line with National Planning Policy Framework (NPPF; paragraphs 109, 121), EU Water Framework Directive, and Environment Agency Groundwater Protection Position Statements (2017) G1, G9 to G13, N7 and N10. The water environment is potentially vulnerable and there is an increased potential for pollution from inappropriately located and/or designed infiltration sustainable drainage systems (SuDS) such as soakaways, unsealed porous pavement systems or infiltration basins.

- 12 The development hereby permitted shall not be occupied until such time as a Environmental Management System (EMS) has been developed and shall be approved by the local planning authority.

Reason: To protect and prevent the pollution of the water environment in line with National Planning Policy Framework (NPPF; paragraphs 109, 121), EU Water Framework Directive.

- 13 Landscaping (hard and soft) shall be carried out in accordance with the submitted details shown on plan (200 06 revB). 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 GEN7 of the Arun District Local Plan.

- 14 Operation of any tannoy, or alarm system shall be inaudible at the site of the nearest residential boundary.

Reason: To protect the amenities of occupiers of adjoining properties in accordance with Arun District Local Plan policies GEN7 and GEN32

- 15 Fuel Tanker Delivery times shall be restricted to 06:00 to 23:00 hours Monday to Saturday and 07:00 to 23:00 hours on any Sunday, Public or Bank Holiday as detailed in the ACP Acoustic Consultancy Report, Ref 11036, Revision C, 5th March 2018 with the exception that the delivery vehicle shall vacate the site by no later than 23:00 hours.

Reason: To protect the amenities of occupiers of adjoining properties in accordance with Arun District Local Plan policies GEN7 and GEN32

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- 16 **INFORMATIVE:** Drainage Engineers advise that Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE 365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 30% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers. Supplementary guidance notes are also available on request.
- 17 **INFORMATIVE:** This permission does not purport or be deemed to grant consent for any advertisements for which a separate application for advertisement consent is required.
- 18 **INFORMATIVE:** The proposed development is on a site whose activity will require a Permit under the Environmental Permitting (England and Wales) Regulations 2010. Full details must be provided in writing to the Environmental Health Department (including plans and diagrams where appropriate) through a separate application. A petroleum license will be required from WSCC. Please liaise with WSCC re the layout etc before work commences.
- 19 **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.

REPORT UPDATE

Application no: WA/88/17/PL
Page no: 0
Location: Little Chef Restaurant Arundel Road Walberton
Description: External alterations including replacement windows & doors to create new entrance, cladding of external walls & creation of seating area to facilitate new operator (KFC) together with provision of drive-thru lane (use class A3/A5) with opening hours 7am to 10pm and single storey extension to Burger King to South

UPDATE DETAILS

Reason for Update/Changes:

- 1 additional representations from a previous objector.
- Objections still stand.
 - Rubbish, nearby properties, smell, and rats.
 - Opening times should be restricted 7 till 10.

Officers Comment:

No additional comment as no additional points raised.

Planning Appeals Performance & Cost

REPORT UPDATE

1. Further information has been received and collated concerning financial cost for appeals in this period that were determined by either call-in or recovered appeals by the Secretary of State. They are as follows:

Y/19/16/OUT - Land off Burndell Road, Yapton. Application called in by the Secretary of State and determined by way of a Public Inquiry. It took the Secretary of State 13 months to issue a decision.

Counsel Cost - £5,500

Total Costs - £5,500

WA/22/15/OUT – Land East of Fontwell Avenue, Fontwell. Appeal was called in by the Secretary of State. It took the Secretary of State 19 months to issue a decision.

Counsel Cost - £13,500

Consultant Cost - £20,000

Total Cost - £33,500

TOTAL COST 2017 - £39,000

TOTAL COST 2015 & 2016 - £96,806 - this was for a total of 5 appeals over the two years but none of these were called in or recovered by the Secretary of State. By way of comparison these were:

AL/39/13 - Land west of Westergate Street, east of Hook Lane, Westergate. Public Inquiry. Total cost £21,950.

AL/61/13 - Land at Nyton Road and Northfields Lane and land off of Fontwell Avenue, Aldingbourne. Public Inquiry. Total cost £26,261.

Y/60/14/OUT - Land to the south of Ford Lane, east of North End Road, Yapton. Public Inquiry. Total Cost £36,604.

FG/26/15/OUT, FG/84/15/PL, ENF/199/15 & ENF/192/14 - Eastlands, Littlehampton Road, Ferring. Informal Hearing. Total cost £1,500.

A/162/15/PL - Land north of Roundstone – by – pass, Angmering. Public Inquiry. Total cost £10,491.

2. Information has also been received for the performance of neighbouring Districts.

Worthing Borough Council

21 appeals were determined in 2016/2017. Of these 3 were allowed and 18 dismissed. This represents a success rate of 86% as opposed to 48% for Arun in the corresponding period.