

Recommendation Report for Planning Permission

REF NO: AL/28/18/DOC

LOCATION: Land at Nyton Road & Northfields Lane
Land Off Fontwell Avenue

PROPOSAL: Approval of details reserved by condition imposed under AL/61/13/ (APP/C3810/A/14/2217385) relating to condition 16-details of external lighting, 19-surface water drainage scheme, 20-discharge of watercourses, 21-Maintenance Manual for SUDs, 22-future access & maintenance of any watercourse or culvert crossing & 23-foul drainage system.

DESCRIPTION OF APPLICATIONS

AL/28/18/DOC

The application seeks to discharge six conditions which were imposed upon AL/61/13 which sought permission for residential development of up to 268 dwellings including 30% affordable housing (incorporating 60 Senior Living units), with associated access, public open space and landscaping. The conditions are as follows:

(19)

Development shall not commence until full details of the 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.

No dwelling shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details.

(20)

Prior to the commencement not proceed until written consent has obtained from the Lead Local Flood Authority (WSCC) or its agent (ADC) for the discharge of any flows to watercourses, or the culverting, diversion, infilling or obstruction of any watercourse on the site.

Any discharge to a watercourse must be at a rate no greater than the predevelopment run off values.

(21)

Prior to the commencement of development full details for the maintenance and management of the SUDs system shall be set out in a site-specific maintenance manual. The manual shall include details of financial management and arrangements for the replacement of major components at the end of the manufacturers recommended design life and shall be submitted to and approved by the local planning authority. Upon completed construction of the SuDs System, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.

(22)

Prior to the commencement of development arrangements for the future access and maintenance of any watercourse or culvert crossing or abutting the site has been submitted and approved in writing by the Local Planning Authority.

(23)

Before the development hereby permitted is commenced details of a proposed foul drainage system (including details of its siting, design and subsequent management/maintenance, if appropriate) shall be submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until works for the disposal of sewage have been fully implemented in accordance with the approved details.

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

TOPOGRAPHY

Site slopes down gradually from north to south.

TREES

A significant number of trees are situated within the site and forming the boundary to the western edge.

A Tree Preservation Order (TPO/AL/1/13) covers an ash tree and evergreen oak located in the south western corner of the site.

BOUNDARY TREATMENT

The eastern boundary of the site is kept by a hedgerow which supplements low level post and wire fencing. Northern boundary kept by various fencing, intermittent hedging and a row of trees to the north-west corner. Southern boundary kept by mature hedging, low level wire fencing in part and fencing. Part of the western boundary is kept by domestic boundary hedging/fencing to the larger residential curtilages within Northfields Lane and the north part by a country lane with open farmland beyond.

SITE CHARACTERISTICS

The site was predominantly in agricultural use with a large part of the land previously in use as grazing land with a barn and storage area for farm machinery/equipment centrally located within the site.

Existing horticultural use was located to the south-west corner of the site. The use included greenhouses with growing areas and a residential property which is associated with the nursery. The greenhouses have been demolished.

The north-west corner of the site is in use for the keeping of horses with stables and associated hard-standing.

Accesses are currently available to the site from Fontwell Avenue, Nyton Road and Northfields Lane.

CHARACTER OF LOCALITY

Site is located on the edge of the settlement of Westergate. Residential properties line the southern boundary of the sites, these are a mix of 1 and 2 storey properties of varied designs.

Pig sheds, farmland and scrap yard to the north/north-east of the site with residential properties and Fontwell Racecourse beyond. To the east is the A29 with residential properties beyond.

Northfields Lane runs along the western boundary which provides a significant landscape buffer between the application site and the open arable farmland to the west.

RELEVANT SITE HISTORY

AL/61/13/ - Allowed at Appeal - 23rd February 2015 - Outline application with some matters reserved for the demolition of existing glasshouses, residential bungalow, stables and various outbuildings and residential development of up to 268 dwellings including 30% affordable housing (incorporating 60 Senior Living units), with associated access, public open space and landscaping. This is a Departure from the Development Plan.

AL/102/17/RES – Approved Conditionally – 24th January 2018 - Application for approval of Reserved Matters following outline application AL/61/13/ for the demolition of existing

glasshouses, bungalow, stables & outbuildings & residential development of 268 dwellings incl 30% affordable housing (incorporating 60 senior living units) with associated access, public open space & landscaping.

SUMMARY OF REPS RECEIVED

None received. Discharge of Condition applications are not subject to public consultation.

OFFICERS COMMENTS ON REPS

None.

SUMMARY OF CONSULTATIONS RESPONSES

SOUTHERN WATER

Comments received 05.04.2018:

Southern Water would recommend the discharge of condition 23 relating to foul disposal based on the presented foul drainage strategy proposals.

ENGINEERS (DRAINAGE)

Comments received 18.05.2018:

We are happy to now recommend discharge of the drainage conditions based on the latest details supplied.

OFFICERS COMMENTS ON CONSULTATIONS

Comments noted.

POLICY CONTEXT

Designations applicable to site:

Class A Road

Outside the Built-up area boundary

Area of special control on adverts

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used are material considerations in the determination of this planning application. The emerging Plan was submitted in January 2015 and the examination is currently suspended. The examination is due to commence in summer 2017 following publication of modifications to the Plan.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Yapton.

Therefore, policies EH4, EH5 and EH10 of Aldingbourne Neighbourhood Plan are considered relevant.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:

GEN11	Inland Flooding
GEN25	Water Resources
GEN26	Water Quality
GEN7	The Form of New Development
GEN8	Development and the Provision of Infrastructure
GEN9	Foul and Surface Water Drainage

Publication Version of the Local Plan (October 2014):

D DM1	Aspects of Form and Design Quality
SD SP1	Sustainable Development
ECC SP1	Adapting to Climate Change
W DM1	Water Supply and Quality
W DM2	Flood Risk
W DM3	Sustainable Urban Drainage Systems

Aldingbourne Neighbourhood Plan 2014

EH4	Protection of watercourses
EH5	Surface Water Management

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
NPPG	National Planning Policy Guidance

DEVELOPMENT PLAN BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The details submitted in respect of the conditions are considered acceptable in respect of conditions 19, 20, 21, 22 and 23.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no significant material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

When the reserved matters application was presented to members at Development Control Committee on the 17th January 2018 it was requested that the subsequent discharge of condition application relating to foul and surface water drainage was considered by the Committee. Therefore, conditions 19, 20, 21, 22 and 23 are being presented to members for consideration in accordance with this request.

The surface water drainage scheme has been considered by the Council's Drainage Engineers and a number of amendments have been made to the scheme to ensure it is acceptable. The Drainage Engineers have confirmed they are happy for conditions 19, 20, 21 and 22 to be discharged in accordance with the details submitted and set out in the recommendation below.

Condition 23 relates to foul drainage and a consultation response has been provided by Southern Water confirming that the foul drainage scheme is acceptable and the condition can be discharged. It is stated by Southern Water in their consultation response of the 5th April 2018 that;

Southern Water provided the developer with a suitable design solution for discharge of foul sewerage flows from the development to the public sewerage network. The solution ensures no detriment to the downstream sewerage network. However, this is a temporary solution which will require the installation of a flow inhibiting system on site (to be constructed to the specification and requirements of Southern Water) to restrict foul discharge to times of day when capacity is present within the foul drainage system.

This temporary solution will be in place until the Southern Water strategic infrastructure provision has been implemented. Once the enhancement works have been implemented the foul sewerage from the proposed development site can be discharged to the public foul network uninhibited. However, the temporary measure identified by the developer in conjunction with Southern Water will ensure no adverse impacts upon the existing foul sewerage system.

Therefore, it is recommended that conditions 19, 20, 21, 22 and 23 are discharged on the basis of the documentation submitted in support of the discharge of condition application. It is considered that the proposal accords with relevant development plan policies.

HUMAN RIGHTS

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

EQUALITIES

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

RECOMMENDATION

The below conditions are recommended for discharged with the following decision notice wording:

Condition 19

This condition is discharged in so far as it relates to the details of the surface water drainage scheme as specified in the following drawings;

5655-01 Rev M –Engineering layout Sheet 1
5655-02 Rev M –Engineering layout Sheet 2
5655-03 Rev M –Engineering layout Sheet 3
5655-04 Rev M –Engineering layout Sheet 4
5655-10 Rev D – Longitudinal Sections Sheet 1
5655-11 Rev E – Longitudinal Sections Sheet 2
5655-12 Rev D – Longitudinal Sections Sheet 3
5655-13 Rev E – Longitudinal Sections Sheet 4
5655-14 Rev D – Rising Main long Section
5655-20 Rev H – Construction Details
5655-21 Rev C – Sewer Details Sheet 1
5655-22 – Sewer Details Sheet 2
5655-23 Rev A – Headwall Details
5655-24 – Silt Trap Details
5655-70-E Attenuation Details
5655-71 Swale 2 Details
5655-72 Rev G - SW Attenuation Sheet 1
5655-73 Rev G - SW Attenuation Sheet 2
5655-74 Rev G - SW Attenuation Sheet 3
5655-75 Rev G - SW Attenuation Sheet 4
5655-76 Rev C - Exceedance Flows
5655-77 Rev E - Care Home Drainage
5655-78 Rev A - Catchment Area Plan
5655-80 Rev – Manhole Schedule
AMc/18/0163/5655 Rev A - SUDS Management & Maintenance Plan

Condition 20

This condition is discharged in so far as it relates to the discharge of flows to watercourses, culverting, diversion, infilling or obstruction of any watercourse in accordance with drawings;

5655-01 Rev M –Engineering layout Sheet 1
5655-02 Rev M –Engineering layout Sheet 2
5655-03 Rev M –Engineering layout Sheet 3
5655-04 Rev M –Engineering layout Sheet 4
5655-10 Rev D – Longitudinal Sections Sheet 1
5655-11 Rev E – Longitudinal Sections Sheet 2
5655-12 Rev D – Longitudinal Sections Sheet 3
5655-13 Rev E – Longitudinal Sections Sheet 4
5655-14 Rev D – Rising Main long Section
5655-20 Rev H – Construction Details
5655-21 Rev C – Sewer Details Sheet 1
5655-22 – Sewer Details Sheet 2
5655-23 Rev A – Headwall Details

5655-24 – Silt Trap Details
5655-70-E Attenuation Details
5655-71 Swale 2 Details
5655-72 Rev G - SW Attenuation Sheet 1
5655-73 Rev G - SW Attenuation Sheet 2
5655-74 Rev G - SW Attenuation Sheet 3
5655-75 Rev G - SW Attenuation Sheet 4
5655-76 Rev C - Exceedance Flows
5655-77 Rev E - Care Home Drainage
5655-78 Rev A - Catchment Area Plan
5655-80 Rev – Manhole Schedule
AMc/18/0163/5655 Rev A - SUDS Management & Maintenance Plan

Condition 21

This condition is discharged in so far as it relates to the maintenance and management of the SUDs system in accordance with the details specified within the 'SUDs Management & Maintenance Plan' (AMc/18/0163/5655 - Rev A).

Condition 22

This condition is discharged in so far as it relates to future access and maintenance of any watercourse or culvert cross or abutting the site in accordance with the 'SUDs Management & Maintenance Plan' (AMc/18/0163/5655 - Rev A).

Condition 23

This condition is discharged in so far as it relates to the details of the foul drainage system as specified on 'drawing no. 5655:501' and the letter from Southern Water dated 5th April 2018 (reference: PLAN-022456).