

DEVELOPMENT CONTROL COMMITTEE

5 SEPTEMBER 2018

OFFICER REPORT UPDATES

REPORT UPDATE

Application no: AL/136/17/PL
Page no: 31
Location: Land west of Fontwell Avenue 1 Fontwell Avenue Eastergate
Description: Erection of pair of semi detached houses & new access onto A29 - This is a Departure from the Development Plan

UPDATE DETAILS

Reason for Update/Changes:

One further letter of objection has been received and this raises the following additional concerns:

- (1) Application has been active for 9 months and the plans have been changed 5 times such that the proposal is not the same as when it was first advertised;
- (2) There is no pedestrian or vehicle right of way between this and the other two sites so there is no guarantee that the two access points will function as an in/out driveway;
- (3) No one person can be held responsible for completion of the road between the two accesses;
- (4) It must be possible to monitor and enforce this permission. Already one owner has built the new road in the wrong place;
- (5) Latest plan involves an incursion into another owners land and there is no record of there being permission to do this;
- (6) No guarantee that the other two land owners will agree to the in/out driveway approach or indeed adhere to this in the future; therefore creating traffic chaos;
- (7) Continued inability of the Council to take enforcement action against breaches of planning permission;
- (8) The planning officer has been determined to approve this application from the start and the application has not been handled in a fair, considered and unbiased manner; and
- (9) No further consultation has taken place with the Parish Council or neighbouring properties in respect of the changes to the access and visibility splays.

Officers Comment:

The following comments are made in response:

- (1) The changes made concern the configuration of the access and the visibility splays. The position of the houses has not changed and nor has the description of the proposal.
- (2) Noted. However, land ownership is not a material planning consideration and it is considered that there is space for vehicles to turn on site without needing to use other land;
- (3) Noted. Three individual persons will be responsible and will need to ensure that the road surface on each plot is linked to the other;
- (4) The road in question is a temporary surface required for the construction of the houses on that plot. The approved road will be built at a later date and the owner has confirmed it will be as per the approved drawing;
- (5) Technically there is no incursion as the additional land is only required as part of a visibility

splay. The applicant has served notice on the adjoining land owner in respect of the change to the red edge;

(6) Land ownership is not a material planning consideration. However, if there is no agreement then it is considered that this site could still function safely in isolation;

(7) The Council does not consider there to be any breaches of planning permission which require enforcement action;

(8) Noted; and

(9) The changes were not considered to intensify the proposal or be so significant so as to warrant re-advertisement.

The additional objection does not result in any changes to the recommendation but it has been necessary to amend two of the drawings therefore the Plans condition has been amended to state the following:

"The development hereby approved shall be carried out in accordance with the following approved plans:

Drawing CHI/17089/P 1 OF 3 "Proposed Floor Plans & Proposed Section";

Drawing CHI/17089/P 2 OF 3 Rev B "Site Location Plan, Proposed Site Plan & Proposed Elevations";

Drawing CHI/17089/P 3 OF 3 Rev B "Proposed Site Plan";

Drawing 2018-4370-001 Rev A "Visibility Splays" (July 18); and

Drawing 2018-4370-002 Rev A "Vehicle Swept Path Analysis" (July 18).

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies D DM1 and T SP1 of the Arun Local Plan 2011-31."

REPORT UPDATE

Application no: A/74/18/OUT
Page no: 51
Location: The Laurels Dappers Lane Angmering
Description: Outline Planning Permission with all matters reserved, except access, for the demolition of existing outbuildings and the erection of 9No. two storey dwellings consisting of 2No. two bedroom dwellings, 3No. three bedroom dwellings and 4No. four bedroom dwellings. Departure from the Development Plan.

UPDATE DETAILS

Reason for Update/Changes:

The requested reptile survey has not been completed. Due to the high temperatures in July/August consultants were only able to undertake limited surveys. However a reptile activity report has been submitted which details the findings so far, including a justification and brief description of the mitigation in the unlikely event that a small population of reptiles is found in the remaining visits.

Officers Comment:

The Council's Ecologist has been consulted on this updated information and has confirmed that on the basis that the application is in outline form and some survey work has been carried out which has not identified the presence of any reptiles a condition can be imposed relating to completion of further surveys and possible mitigation.

Note: The changes to conditions are attached on the amended replacement recommendation sheet.

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The Laurels
Dappers Lane
Angmering

RECOMMENDATION

Approve Conditonally

- 1 The permission hereby granted is an outline permission under s92 of the Town and Country Planning Act 1990 (as amended) and an application for the approval of the Local Planning Authority to the following matters must be made not later than the expiration of 3 years beginning with the date of this permission:-

- (a) Layout;
- (b) Scale;
- (c) Appearance;
- (d) Landscaping.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be begun either before the expiration of 5 years from the date of this permission, or before expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

- 3 The development hereby approved shall be carried out in accordance with the following approved plans:

Location 0242-P002 revA
Block Plan 0242-P001 rev B.

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

- 4 Following approval of this application and before the reserved matters applications are determined, the applicant shall submit an acoustic report to demonstrate that the internal and external noise levels of the proposed residential units bordering these sites, including access thereto/from, will conform to the indoor ambient noise levels for dwellings and external noise levels for amenity spaces ie. gardens, as specified within BS8233:2014, Guidance on Sound Insulation and Noise Reduction for Buildings and World Health Organisation:2009. The applicant should also demonstrate application of guiding principles from ProPG: Planning & Noise May 2017 as well as from the Planning Noise Advice Document, Sussex, July 2015. Any mitigation measures which may prove necessary are to be specified and such a scheme to be approved in writing by the Local Planning Authority. Any works specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the premises and retained thereafter. Post construction validation testing to be carried out within 8 weeks of completion of those residential units closest to the noise sources to demonstrate to the satisfaction of the Local Planning Authority that the above standards are met. The details agreed shall be adhered to at all times thereafter.

Reason: To protect the amenities of occupiers of adjoining properties in accordance with Arun Local Plan policies QEDM1 and QESP1.

- 5 Prior to occupation of the dwellings details of any external lighting for the site shall be submitted to and approved by the Local Planning Authority and should take into consideration the presence of bats in the local area and the scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding. The development shall proceed in accordance with the approved details and any further external lighting shall be subject to the prior permission of the Local Planning Authority. External lighting in association with this development shall comply with the institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light, Obtrusive Light Limitations for Exterior Lighting Installations for Zone E2 - Rural.

Reason: In the interests of protected species in the locality in accordance with policies ENV DM5 & QE DM2 of Arun Local Plan.

- 6 No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,

- . An indicative programme for carrying out the works.
- . The anticipated number, frequency and types of vehicles used during construction.
- . The method of access and routing of vehicles during construction.
- . The parking of vehicles by site operatives and visitors.
- . The loading and unloading of plant, materials and waste.
- . The storage of plant and materials used in construction of the development.
- . The erection and maintenance of security hoarding.
- . The provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders).
- . Details of public engagement both prior to and during construction works.
- . Measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method since foundation piling is likely to occur, the careful selection of plant and machinery and use of noise mitigation barriers.
- . Detail of any flood lighting, including location, height, type and direction,
- . Measures to control the emission of dust and dirt during construction.
- . Proposed construction days/hours.

Reason: In the interests of highway safety and the amenities of the area in accordance with policies TSP1, QEDM1 and QEDM2 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because any works on the site could result in congestion or impede access onto a road which could compromise highway safety in accordance with the National Planning Policy Framework.

- 7 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 QEDM4. This is required to be a pre-commencement condition because these details have to be agreed and in place before any work commences.

- 8 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 Local Plan policy QE DM4.

- 9 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 policy QE DM4.

- 10 No part of the development shall be first occupied until visibility splays of 2.4 metres by 43 metres have been provided at the proposed site vehicular access onto Dappers Lane in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level at all times or as otherwise agreed.

Reason: In the interests of road safety in accordance with policy TSP1 of Arun Local Plan .

- 11 No development shall commence until the vehicular access serving the proposed use has been constructed in accordance with the details indicated on drawing 0242-P001 rev B.

Reason: In the interests of road safety in accordance with policy TSP1 of Arun Local Plan.

- 12 The hedgerows on site are used by bats for commuting and foraging and will need to be retained and enhanced for bat movements. Details of such retention and enhancement shall be submitted to and approved by the Local Planning Authority prior to commencement of development. These details should include provision of a buffer strip around the hedgerows, fencing during construction to ensure this area is undisturbed and filling of any gaps with native hedge species to improve connectivity. Where any hedge is to be removed as detailed within the survey, new hedgerow should be planted. The details agreed shall be adhered to at all times.

Reason: To safeguard the ecology of the area, and in the interests of bats/birds to ensure that a habitat remains for them during and after development in accordance with policy ENV DM5 of Arun Local Plan.

- 13 The current plans show that the main house and garage are being retained. Due to the high potential for bats within these buildings if plans change and any works are required to these buildings then further details of a bat scheme shall be submitted to and approved by the Local Planning Authority prior to commencement of any works to the building(s). The details agreed shall be adhered to at all times.

Reason: To safeguard the ecology of the area, and in the interests of bats/birds to ensure that a habitat remains for them during and after development in accordance with policy ENV DM5 of Arun Local Plan.

- 14 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 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 adhered to and maintained in good working order in perpetuity.

Reason : To ensure that the proposed development is satisfactorily drained in accordance with policies WSP1, WDM1, WDM2 and WDM3 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.

- 15 The development shall not proceed until formal consent has been approved in writing from the Lead Local Flood Authority (WSPCC) 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 pre-development run off values.

Reason : To ensure that the proposed development is satisfactorily drained in accordance with policies WSP1, WDM1, WDM2 and WDM3 of the Arun 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.

- 16 Development shall not commence until full details of the maintenance and management of the SuDS 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 (a) details of financial management of the site including arrangements made in the event that the management company (or any subsequent management company) is no longer able to fulfil its duties; and (b) arrangements for the replacement of major components at the end of the manufacturers recommended design life.

Reason: To ensure the efficient maintenance and on-going operation of the SuDS system and to ensure the best practice in line with guidance set out in 'The SuDS Manual' CIRIA publication ref: C753 Chapter 32. 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 in accordance with policies WSP1, WDM1, WDM2 and WDM3 of Arun Local Plan.

- 17 Upon completed construction of the SuDS 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 SuDS 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 SuDS system and to ensure the best practice in line with guidance set out in 'The SuDS Manual' CIRIA publication ref: C753 Chapter 32.

- 18 The development layout shall not be agreed until such time that arrangements for the future access and maintenance of any watercourse or culvert (piped watercourse) crossing or abutting the site has been submitted and approved in writing by the Local Planning Authority. The details thereby agreed shall be adhered to at all times thereafter.

No construction is permitted, which will restrict current and future land owners from undertaking their riparian maintenance responsibilities of any watercourse on or adjacent to the site.

Reason: To ensure that the duties and responsibilities, as required under the Land Drainage Act 1991, and amended by the Flood and Water Management Act 2010, can be fulfilled without additional impediment following the development completion and in accordance with policy WDM1 of the Arun Local Plan.

- 19 Prior to commencement of development an updated reptile activity survey shall be completed and submitted to the Local Planning Authority for approval. If reptiles are found then a mitigation strategy will also need to be submitted with the survey and approved in writing by the Local Planning Authority. The details thereby agreed in the mitigation report shall be adhered to at all times thereafter.

Reason: To safeguard the ecology of the area, and in the interests of reptiles to ensure that a habitat remains for them during and after development in accordance with policy ENV DM5 of Arun Local Plan. It is necessary for this to be a pre-commencement condition to ensure protection of reptiles.

- 20 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.
- 21 INFORMATIVE: The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
- 22 INFORMATIVE: The use of a sewage treatment plant/septic tank for the disposal of foul sewerage will need to be agreed with the Environment Agency.
- 23 INFORMATIVE: The following ecological enhancements should be considered for inclusion in any details submitted:
- Any trees removed should be replace at a ratio of 2:1.
 - Filling any gaps in tree lines or hedgerows with native species.
 - Bat and bird boxes installed on the site.
 - Grassland areas managed to benefit reptiles.
 - Log piles on site.
- 24 INFORMATIVE: You are advised that Environmental Health now has a requirement that each home should have an Electric Vehicle charge point. A suitable number of vehicle charging points must be installed in any reserved matters application. Petrol and diesel cars and vans will not be sold beyond 2040, to mitigate against any potential adverse impact of the development on local air quality.
- 25 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.