

**DEVELOPMENT CONTROL COMMITTEE**

**3 OCTOBER 2018**

**OFFICER REPORT UPDATES**

## REPORT UPDATE

**Application no:** AL/136/17/PL  
**Page no:** 9  
**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

COMMITTEE 05/09/18:

Reason for Update/Changes:

One letter of objection was received prior to the Committee on the 5th September and this raised 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 did not result in any changes to the recommendation but it was necessary to amend two of the drawings therefore the Plans condition was 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."

The amended condition is included within the recommendation report in the agenda.

COMMITTEE 03/10/18:

A further letter of objection was received just after the previous Committee Meeting. However, the letter simply served to make public the information that had been presented to the Committee by the objector.

In addition, the same objector has provided a hand annotated copy of the Article 13 Notice that forms part of the planning application submission. The annotations relate to both this and a previous application and ask:

(1) AL/136/17/PL - Is this Certificate B or C;

(2) AL/136/17/PL - Where is the Certificate for Mr Norgate;

(3) AL/122/17/PL - Where is the certificate covering Mr Duggin's land (access to A29); and

(4) AL/122/17/PL - As this permission has already been passed without the certificate, the regulations say it is null and void!

**Officers Comment:**

The following responses are made in response to questions on the Article 13 Notice:

(1) It is a notice to be served in conjunction with the completion of Certificate B on an owner of land who is not the applicant. It was served on the owner of the adjacent land following the need to revise the application red edge to take account of the eastern visibility splay.

(2) Mr Norgate is the applicant for the adjacent piece of land (ref AL/122/17/PL). The Article 13 Notice was served on him.

(3) - (4) There was no requirement for Mr Norgate to serve notice on Mr Duggin in respect of application AL/122/17/PL as that application red edge did not include any of Mr Duggin's land.

## REPORT UPDATE

**Application no:** LU/131/18/PL  
**Page no:** 45  
**Location:** Castleview Nursery Old Mead Road Littlehampton  
**Description:** Erection of 2 No. new buildings for caravan/motorhome storage & self-storage in place of existing glasshouse & building approved under application LU/47/16/PL. This application is a Departure from the Development Plan.

### UPDATE DETAILS

**Reason for Update/Changes:**

Recommended conditions do not include the recommended condition on possible contamination of the site.

**Officers Comment:**

This condition is proposed to read:

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 policy QE DM4 of the Arun Local Plan.

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

Erection of 2 No. new buildings for caravan/motorhome storage & self-storage in place of existing glasshouse & building approved under application LU/47/16/PL. This application is a Departure from the Development Plan.

Castleview Nursery  
Old Mead Road  
Littlehampton

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## RECOMMENDATION

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### Approve Conditionally

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- 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:

17203/01aR5 Location & Block Plan

17203/01 Existing Floor Plans, Elevations & Roof Plans

17203/02R2 Proposed Floor Plans, Elevations & Roof Plans (South Building A)

17203/02A Proposed Floor Plans, Elevations & Roof Plans (North Building B)

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM4 of the Arun Local Plan.

- 3 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 W DM2 and W DM3 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.

- 4 The existing and proposed screen planting on the boundaries of the site depicted in the submitted layout and landscaping plan shall be retained to a minimum height of 4m and shall not be damaged, uprooted, felled, topped or lopped at any time without the prior written consent of the Local Planning Authority.

Reason: To prevent removal of screen planting and to thereby detrimental visual impact in accordance with policies LAN DM2 and C SP1 of the Arun District Local Plan

- 5 The development hereby approved is for self-storage and the storage of caravans and motorhomes within buildings. There shall be no external storage within the application site.

Reason: To protect the visual amenity of the area in accordance with policy C SP1 of the Arun Local Plan.

- 6 The combined total number of caravans and motorhomes stored at the site within the buildings hereby approved shall not exceed 32 at any time without the permission of the Local Planning Authority to an application for planning permission on that behalf.

Reason: To prevent an uncontrolled intensification of the use in the interests of visual amenity and highway safety and to prevent detrimental impact upon the amenity of nearby residents as a consequence of noise in accordance with policy C SP1 Arun District Local Plan.

- 7 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 policy QE DM4 of the Arun Local Plan.

- 8 **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.



## FURTHER REPORT UPDATE

**Application No:** A/23/15/PL

**Reason for the Update / Changes**

Page 134

Further representations, consultee responses and amended Highway Access plan received, plus update on Unilateral Undertaking.

The Unilateral Undertaking has been signed – see attached Legal Instruction form

### REPRESENTATIONS:

Additional representations received as follows:

Rustington Parish Council – Objection

- Sequential test has not been accurately presented by the applicant, urge LPA to investigate further
- Any addition to existing out of centre provision will have cumulative effect of causing a significant impact on Rustington Village Centre, plus no need identified
- Unacceptable increase in traffic to detriment of highway safety and congestion
- Concern over timing of footbridge over railway and hazards to pedestrians
- Travel Plan and Travel Assessment out of date and inaccurate
- Improvement required to Penfold Lane as footpath in poor state of repair – financial contribution required
- Conflict with policies in Arun Local Plan due to location outside built up area boundary and in a Flood Zone (Zone 1).

Dalton Warner Davis – Agents on behalf of Store Properties (17/09/18):- No further comments on revised access Plan REDW-3167-137 as it mirrors the Store Properties proposal. Maintain objection on retail grounds as previously set out. Suggested wording for conditions relating to the access.

Local resident objection re-iterating previous comments relating to: - failing sequential test, impact on Rustington village, no need for additional stores, former Waitrose building suitable alternative, and development will lead to further problems than identified.

Littlehampton Town Council, Cornfield Ward Councillor, makes the following comments: setting out background of why Waitrose moved to Rustington and the financial incentives for them to move; impact of Waitrose on Littlehampton which has significantly declined; contrary to Local Plan retail policies as former Waitrose site is a suitable alternative; no bus service at present and no 12 bus only operates Mon- Fri in the morning; site isolated for pedestrians; traffic congestion will be worsened; concern over retail saturation on the A259; contrary to local and national policy and should be refused.

Littlehampton Town Council – letter re-stating their objections to the application

### COMMENTS ON REPRESENTATIONS RECEIVED:

Comments are addressed in the original and update reports.

### CONSULTATIONS

Additional consultation responses on the amended access plans as follows:

Southern Water: Previous comments apply

Sussex Police – Further advice on crime prevention and secure by design measures for both the retail unit and public house

Local Highway Authority:

Comments received 18/09/18 on revised plan REDW-3167-137 seeking amendments to the design in relation to the radii differing from A/83/18/RES (23m as opposed to 30m) and amendment to visibility splays.

Comments received on further revised plan REDW-3167-138 confirm that it is acceptable.

#### CONCLUSION

A further revised access plan has been submitted (ref REDW-3167-138) to address the concerns raised by the Local Highway Authority in relation to the differing radii and visibility splays. The applicant has provided justification for the entry radii (which departs from the standard 20m) and added the visibility splays to the revised plan to demonstrate that they can be achieved. Therefore, the revised plan improves the compatibility of the access with A/83/18/RES and the conclusion on highway access remains unchanged.

## REPORT UPDATE

**Application no:** A/83/18/RES  
**Page no:** 179  
**Location:** Land west of Brook Lane and south of A259 Rustington  
**Description:** Approval of reserved matters following outline approval A/44/17/OUT for access only for the demolition of existing buildings on site & the erection of a mixed use development comprising up to 90 No. residential units & a care home (Use Class C2 & C3) & ancillary facilities, including railway crossing, together with associated access, car parking & landscaping. This application also lies within the parishes of Littlehampton & Rustington.

### UPDATE DETAILS

Reason for Update/Changes: Proposed conditions not included in Report.

Officers Comment:

See amended Recommendation and Conditions sheet.

Approval of reserved matters following outline approval A/44/17/OUT for access only for the demolition of existing buildings on site & the erection of a mixed use development comprising up to 90 No. residential units & a care home (Use Class C2 & C3) & ancillary facilities, including railway crossing, together with associated access, car parking & landscaping. This application also lies within the parishes of Littlehampton & Rustington.

Land west of Brook Lane  
and south of A259  
Rustington

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**RECOMMENDATION**

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**Approve Conditonally**

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- 1 The development hereby approved shall be carried out in accordance with the following approved plans: Proposed Site Access - SPRUST (BROOK LANE) 1/10 REV D.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies T SP1 and D DM1 of the Arun District Local Plan (2011-2031).

- 2 No dwelling shall be occupied until the access has been provided in accordance with the details specified on drawing no. SPRUST (BROOK LNAE) 1/10 Rev D.

Reason: In the interests of highway safety in accordance with policy T SP1 of the Arun District Local Plan (2011-2031).

- 3 The development shall not proceed until formal consent has been approved in writing from the Lead Local Flood Authority (WSSC) or its agent (ADC) for the discharge of any flows to watercourses 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 W SP1, W DM1, W DM2 and W DM3 of the Arun District Local Plan (2011-2031). It is considered necessary for this to be a pre-commencement condition to protect existing watercourses prior to the construction commencing.

- 4 **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.

- 5 **INFORMATIVE:** This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc ) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0845 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.
- 6 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015 (as amended). 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.
- 7 **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, West Sussex County Council, County Hall, Chichester, West Sussex, PO19 1RQ.