

REPORT UPDATE

Application no: AL/70/23/OUT
Page no: 9
Location: Land West of Lidsey Road (A29) Lidsey
Description: Outline planning application with all matters reserved except access for residential development of the site with up to 155 dwellings (Use Class C3), informal and formal public open space, landscaping, drainage, and other associated works. This application is a Departure from the Development Plan. This is Not CIL liable as Outline.

UPDATE DETAILS

Reason for Update/Changes:

Members should note that the engrossed s106 agreement was delivered to ADC on the 11th October 2023 so that ADC can then hold the executed engrossments and seal the agreement after the committee. Therefore, officers can confirm:

- the s106 is in a fully agreed form with both ADC and WSCC.
- the s106 has been signed by the landowners.
- the s106 is now being held by legal officers at ADC; and
- the s106 can be sealed and completed within a very short timescale following any resolution by members to grant permission.

Officers Comment:

There are no changes to the recommendation, conditions, reasons or informatives.

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REPORT UPDATE

Application no: K/37/23/PL
Page no: 57
Location: Cloudy Bay Gorse Avenue East Preston
Description: Replacement of an existing 2.5-storey detached dwelling with a new 3-storey plus basement detached dwelling including a front driveway, front and rear boundary walls, indoor and outdoor swimming pools, and a car lift.

UPDATE DETAILS

Reason for Update/Changes:

The Local Planning Authority have received 1 No. additional objection to the proposal from a nearby occupier. This objection demonstrates the following concerns:

- Concerns of loss of residential amenity due to contravention of the 45-degree and 70-degree rules.
- Concerns of overlooking from rear balconies.
- Concerns of structural stability owing to the scale of the basement.
- Concerns that no SuDS strategy has been submitted for a development that purposes an extensive impermeable surface area.
- Concerns of the financial and stressful burden enduring a neighbouring extensive development process can have.

Officers Comment:

- Concerns relating to neighbouring residential amenity have been addressed within the officer's report. It is to note, as acknowledged within the report, that there is a minor breach of the 70-degree rule as the angles drawn on the illustrative 70-degree rule plans are not exact however, this contravention is not significant. Although, further to this, as also noted within the report, the shared site boundary to the East steps in slightly to the front, opens up in the centre, and steps back in again as the site moves further South. The eastern shared site boundary is not perfectly straight, and the illustrative 70-degree line plan refers to a section of the site in which the plot is at a greater width than the width of the plot demonstrated on the street scene elevations. Nonetheless, the proposed dwelling would retain a max of 2.1m and a minimum of 1.7m separation from the East site boundary and whilst not in compliance with the 70-degree rule throughout the Eastern, the separation distance remains reasonable, and the proposal does not have a significantly adverse impacts by way of overbearing of the neighbouring property.
- Concerns of overlooking from rear balconies has been addressed within the report.
- It is appreciated that this basement is extensive and naturally, structural stability is a concern. However, structural stability/integrity is not a planning consideration and is something that must be addressed at the Building Control stage.
- It is acknowledged that the proposal includes an extensive impermeable surface area increase. This is addressed within the drainage section of the Officer's Report.

Note: There are no changes to recommendation or conditions recommended.

update(ODB 57)

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Pair of semi detached dwelling houses with two storeys under a pitched roof. This application is in CIL Zone 2 and is CIL liable as new dwellings.

Land west of Fontwell Avenue
Fontwell Avenue
Eastergate

RECOMMENDATION

AC - 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:

Surface Water Drainage Construction Details Dwg No 2112/C5
Surface Water Drainage Dwg No 2112/D1.4
Surface Water Drainage Dwg No 2112/D1.2
Proposed Floor Plans Dwg No CHI/20080/BR 1 of 4
Location Plan, Site Plan and Proposed Elevations Dwg No CHI/22089/P 2 of 3
Proposed Sections Dwg No CHI/20080/BR 3 of 4
Proposed Site Plan for Drainage Dwg No CHI/20080/BR 4 of 4
Vehicle Swept Path Analysis Dwg No 2018-4370-002 Rev A
Visibility Splays Dwg No 2018-4370-001 Rev A
Preliminary Ecological Appraisal by Arbtech
Preliminary Ecological Appraisal
Environmental Noise Assessment Rev 0 dated 21.9.22

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.
- 3 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes and samples of such materials and finishes to be used for external walls and roofs of the proposed buildings have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the buildings.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policy D DM1 of the Arun Local Plan.
- 4 Prior to occupation of any of the approved dwellings, the applicant or developer shall provide the dwellings with electric vehicle charge points in accordance with the council's standards as set out in its Parking Standards SPD. This requires all dwellings with a garage or driveway to have EV charging points in 100% of parking spaces with electric ducting provided to all other spaces where appropriate to provide passive provision for these spaces to be upgraded in future. The individual charge points shall be in accordance with the technical requirements set out in Part S, section 6.2 of the Building Regulations 2010 (as amended). The electric vehicle charge points shall thereafter be retained and maintained in good working condition.

Reason: New petrol and diesel cars/vans will not be sold beyond 2030, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with policy QE DM3 (c) of the Arun Local Plan, the Arun Parking Standards SPD and the NPPF.
- 5 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Arbtech, November 2022) as already

submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECow) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve and enhance protected and Priority species in accordance with Arun Local Plan policy ENV DM5, and allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species).

- 6 A Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the Local Planning Authority. The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) Detailed designs to achieve stated objectives;
- c) Locations of proposed enhancement measures by appropriate maps and plans;
- d) Persons responsible for implementing the enhancement measures; and
- e) Details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter.

Reason: To enhance protected and Priority species & habitats in accordance with Arun Local Plan policy ENV DM5, and to allow the Local Planning Authority to discharge its duties under S40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species).

- 7 A lighting design scheme for biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: In accordance with Arun Local Plan policy ENV SP1 and to allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species).

- 8 The development shall include energy efficiency measures that reflect the current standards applicable at the time of submission and decentralised, renewable or low carbon energy supply systems. Any physical features required as part of the works must be installed prior to the occupation of each dwelling and shall be thereafter permanently maintained in good working condition.

Reason: In order to secure a reduction in the use of energy at the site in accordance with the NPPF and policy ECC SP2 of the Arun Local Plan.

- 9 No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved plans. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development in accordance with Local Plan policy T SP1.

- 10 No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the approved drawing.

Reason: In the interests of road safety in accordance with Local Plan policy T SP1.

- 11 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies and Local Plan policy T SP1.

- 12 No development shall be commenced until such time as plans and details have been submitted to and approved in writing by the Local Planning Authority showing the site set up during construction. This shall include details for all temporary contractors buildings, plant and stacks of materials, provision for the temporary parking of contractors vehicles and the loading and unloading of vehicles associated with the implementation of this development. Such provision once approved and implemented shall be retained throughout the period of construction.
- Reason: To avoid undue congestion of the site and consequent obstruction to access in accordance with Local Plan policy T SP1.
- 13 No part of the development shall be first occupied until minimum visibility splays of 2.4 x 59m have been provided at the proposed site vehicular access onto Fontwell Avenue in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6m above adjoining carriageway level or as otherwise agreed.
- Reason: In the interests of road safety in accordance with Local Plan policy T SP1.
- 14 If during development, any visible contaminated or odorous material, (for example, asbestos containing material, stained soil, petrol / diesel / solvent odour, underground tanks or associated pipework) not previously identified, is found to be present at the site, no further development (unless otherwise expressly agreed in writing with the Local Planning Authority) shall be carried out until it has been fully investigated using suitably qualified independent consultant(s). The Local Planning Authority must be informed immediately of the nature and degree of the contamination present and a method statement detailing how the unsuspected contamination shall be dealt with must be prepared and submitted to the Local Planning Authority for approval in writing before being implemented.
- Reason: To protect the amenity of local residents in accordance with Policy QE DM4 of the Arun Local Plan.
- 15 No demolition/construction activities shall take place other than from 08:00 hours until 18:00 hours (Monday to Friday) and from 08:00 hours until 13:00 hours (Saturday) with no noisy work on Sunday or Bank/Public Holidays.
- Reason: To protect the amenity of local residents in accordance with Policy QE SP1 of the Arun Local Plan.
- 16 Glazing and vents for habitable rooms shall achieve the acoustic performance criteria detailed in table 4.1.of the 'Environmental Noise Assessment | Land at Fontwell Avenue, PO20 3RU' (dated 21/09/2022) .
- Reason: To protect the amenity of local residents in accordance with Policy QE SP1 of the Arun Local Plan.
- 17 No development beyond that shown in the approved plans, or new tree planting should be located within 3 metres of either side of the centreline of the public sewer which crosses the eastern (front) part of the site and all existing sewer infrastructure shall be protected during the course of construction works.
- Reason: To ensure that the proposed development does not result in any damage to the existing foul sewer in accordance with policy W SP1 and W DM1 of the Arun Local Plan 2011- 2031
- 18 Should any other sewer be found during construction works then all development activities within 5m of the external edge of the sewer shall cease and they shall not recommence until full details of the proposed measures to be undertaken to protect the existing public sewer have been submitted to and approved in writing by the local planning authority (in conjunction with Southern Water) and then implemented in accordance with the agreed details.
- Reason: To ensure that the proposed development does not result in any damage to any other existing foul sewers in accordance with policy W SP1 and W DM1 of the Arun Local Plan 2011-2031
- 19 INFORMATIVE: To prevent impacts to the amenities of future occupiers of the proposed dwelling and occupiers of neighbouring dwellings, the development should be carried out in accordance with the 'Arun District Council Construction Code of Practice: For small developments in Arun', available from: <https://www.arun.gov.uk/download.cfm?doc=docm93jjjm4n12193.pdf&ver=12201>
- 20 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.

- 21 INFORMATIVE: Section 278 Agreement of the 1980 Highways Act - Works within the Highway 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: A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read the New Connections Services Charging Arrangements documents which are available to read on the Southern Water website via the following link <https://beta.southernwater.co.uk/infrastructurecharges>.

REPORT UPDATE

Application no: AL/139/22/PL
Page no: 109
Location: Land west of Fontwell Avenue Fontwell Avenue Eastergate
Description: Pair of semi detached dwelling houses with two storeys under a pitched roof. This application is in CIL Zone 2 and is CIL liable as new dwellings.

UPDATE DETAILS

Reason for Update/Changes:

As identified within the officer's report Southern Water have made no comment on this application. However, the comments provided in relation to AL/136/17/PL have been summarised above.

A number of matters were identified through this earlier consultation response which resulted in the imposition of additional conditions relating to the sewer crossing the site. The conditions previously imposed on AL/136/17/PL in relation to the sewer crossing the site were not originally carried forward on this application. However, in the interests of consistency and in line with the previous comments from Southern Water these conditions as well as an informative have now been included as part of this recommendation.

17. No development beyond that shown in the approved plans, or new tree planting should be located within 3 metres of either side of the centreline of the public sewer which crosses the eastern (front) part of the site and all existing sewer infrastructure shall be protected during the course of construction works.

Reason: To ensure that the proposed development does not result in any damage to the existing foul sewer in accordance with policy W SP1 and W DM1 of the Arun Local Plan 2011- 2031.

18. Should any other sewer be found during construction works then all development activities within 5m of the external edge of the sewer shall cease and they shall not recommence until full details of the proposed measures to be undertaken to protect the existing public sewer have been submitted to and approved in writing by the Local Planning Authority (in conjunction with Southern Water) and then implemented in accordance with the agreed details.

Reason: To ensure that the proposed development does not result in any damage to any other existing foul sewers in accordance with policy W SP1 and W DM1 of the Arun Local Plan 2011- 2031.

- INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read the New Connections Services Charging Arrangements documents which are available to read on the Southern Water website via the following link <https://beta.southernwater.co.uk/infrastructurecharges>.

update(ODB 57)

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