

**From:** Simon Davis

**Sent:** 03 July 2019 14:31

**To:** Daniel Palmer [REDACTED]

**Cc:** David Watters [REDACTED]

Amy Gardner

Rosemarie Dannatt <Rosemarie.Dannatt@arun.gov.uk>

**Subject:** RE: AL/116/18/PL Land West of Fontwell Avenue (Plot 3)

Dear Mr Palmer,

Thank you for your email. I am sorry for our delay in responding, this being due to the fact the determination of applications is our priority and we have many applications older than your enquiry. We provide the following responses to your questions as coloured blue below:

1. Our understanding is that the original consent was AL/121/16/PL which was superseded by AL/116/18/PL. The original consent stipulated 19 conditions (some full pre-conditions and some pre-conditions for works above DPC level). As the new consent was a variation of the original please can you confirm that all 19 conditions on AL/121/16/PL have been superseded and no longer have any validity in planning terms and that, as a result, only the 17 conditions derived out of new consent AL/116/18/PL take effect for the development moving forward?;

I can confirm this. It is now only necessary to refer to the conditions imposed on AL/116/18/PL.

2. Leading on from 1 above, I note separate consents have been granted for the adjacent plot under references AL/122/17/PL, AL/117/18/PL and AL/136/17/PL and for the avoidance of doubt I would be grateful if you could confirm that the conditions of these consents have no bearing on the plot to the north, this being the land referred to above and the property which will be used as security for our funding application. The background to this clarification is that we note that on at least one of the applications for the adjacent site that Mr Duggin is listed as the addressee for the adjacent site (our understanding as agent rather than proposed developer);

The planning permissions for the other plots only refer to those other plots. I also confirm that Lee Duggin was listed as planning agent for the middle of the three plots.

3. Planning AL/116/18/PL pre-conditions above DPC level. Assuming that my understanding in 1 is correct (i.e. that conditions of AL/121/16/PL no longer take effect) please can you confirm:

(i) Whether works have commenced to crystallise the commencement period to discharge condition 1?

Council records held establish that Cond. 1 of AL/121/16/PL was complied with; the works approved were commenced within 3 years of the date that permission was granted. Our view is that the same works also serve to commence the second permission (AL/116/18/PL).

(ii) If Materials and Finishes have been submitted to discharge condition 6;

(iii) If a Landscaping Scheme has been submitted to discharge condition 7;

(iv) If details of Screen Walls and Fences have been submitted to discharge condition 8?

We currently have Application ref AL/52/19/DOC in with us seeking discharge of conditions 6, 7, 8, 12 and 13 imposed by AL/116/18/PL. I am currently awaiting a response from our Landscape Officer (I have chased her today). If she responds positively then I will be able to determine the application fairly soon after.

(v) Whether you are aware of any other works which have breached the current consent?

Condition 4 of AL/116/18/PL refers to the surface water detail approved by AL/50/17/DOC. We consider that the material currently present as hardcore to enable access is not consistent with what has been approved. However, this is considered to be a temporary arrangement; the owner/occupiers have been advised that this will need to be removed prior to undertaking the works required to implement what has been agreed, prior to occupation of the dwellings. We are not aware of any conditions imposed by AL/116/18/PL that have been breached and we have visited recently so can confirm that there is no development above DPC level.

4. In relation to the position on Access, Visibility Splays and Parking and Turning these are set out in conditions 9, 10 and 11 of AL/116/18/PL and you have helpfully set out some additional information on these conditions in your email below. My understanding is that drawing SP01 Rev E sets out the approved design for access as referred to in the conditions (and condition 2) and as attached. I would be grateful if you could please confirm;

(i) Access - That in order to adhere to condition 9 of AL/116/18/PL we are keen to confirm that only the works within the area edged red need to be completed. I appreciate that this is alluded to in your email below but drawing SP01 Rev E does include the new access road albeit that the turning area in plot 1 (south site) has been replaced by a new south access point. Notwithstanding the comments in your email below the Officers Report on ADC planning portal refers to a new one way system whereby access is gained from the A29 from the south access and to the A29 from the north access and as the south access does not fall within the ownership of our client or the land to be charged to us as security we require clarification over whether condition 9 of AL/116/18/PL requires that the full extent of the access is built and is used on a one way basis or alternatively compliance with condition 9 can be preserved by simply using the north access for traversing on and off the A29? As the Officers report also refers to the plan granted in AL/136/17/PL we require this clarification with the consequence that assuming the north plot (Mr Duggins) only requires the north access point, that the access road and southern access do not need to be built to comply with condition 9 (or the approved plans set out in condition 2 or the planning consent generally);

We can only require through this condition that the applicant implement the approved works within his ownership and this will ensure that there is access from the A29 and a road link between the A29 and his plot. There is nothing in any of the planning permissions to force the two accesses to operate in a one-way manner.

(ii) Visibility Splays – I have read the consultation responses received from WSCC and just wish to confirm that the current layout of the verge and area owned by our client does not dictate any additional changes to comply with the splays set out in condition 10 of AL/116/18/PL, i.e. that there is currently no impediment (trees, walls etc) in the area of the splays so this condition is essentially already discharged? (with acceptance it must be kept this way in perpetuity to remain compliant).

I am not qualified to answer this question. I would instead recommend that you approach WSCC Highways directly or that your client employ a suitably qualified transport consultant to check the visibility splay on site and identify whether any changes need to be made.

(iii) Turning and Parking – again leading on from 4(i) above that the turning and parking areas are all within the area edged red and in ownership of Mr Duggin and that this thus facilitates and turning and the use of the northern access point for access and egress to the A29?

The turning and parking areas for car sized vehicles (including small vans) are all within Mr Duggin's red edge. However, the turning facilities for larger vehicles (refuse vehicle, fire tender, HGV) was previously shown as being within plot 1 but was removed by AL/136/17/PL and replaced by the new second access onto the A29. In other words, larger vehicles would need to be able to enter one of the accesses and exit at the other in order to enter and exit the site in a forward gear (and so not have to reverse back onto the A29).

I trust this is helpful.

Kind Regards

Simon J Davis MRTPI | Principal Planning Officer, Planning Department, Directorate of Place, Arun District Council |  
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Please note that I typically work from home on Thursdays when I am unreachable on my work phone

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Save the environment - think before you print.

**From:** Daniel Palmer [REDACTED]

**Sent:** 21 May 2019 15:33

**To:** Simon Davis <[Simon.Davis@arun.gov.uk](mailto:Simon.Davis@arun.gov.uk)>

**Cc:** David Watters [REDACTED]

Amy Gardner

**Subject:** FW: AL/116/18/PL Land West of Fontwell Avenue (Plot 3)

**Importance:** High

Dear Mr Davis,

Site West of Fontwell Avenue, Eastergate PO20 3RU

Planning consents: AL/121/16/PL & AL/116/18/PL

I am writing with reference to Mr Duggin's above property and the planning consents referenced and your email below dated 2<sup>nd</sup> April 2019.

I can confirm that I represent Peninsula Finance plc who have accepted, in principle, a finance application from Mr Duggin to assist with the build works to the site. This is subject to a number of conditions including clarification on the position with planning and pre-conditions and we have obtained Mr Duggin's consent to approach you direct on these.

I have therefore set out the numbered points below and would be grateful if you could please respond to these;

1. Our understanding is that the original consent was AL/121/16/PL which was superseded by AL/116/18/PL. The original consent stipulated 19 conditions (some full pre-conditions and some pre-conditions for works above DPC level). As the new consent was a variation of the original please can you confirm that all 19 conditions on AL/121/16/PL have been superseded and no longer have any validity in planning terms and that, as a result, only the 17 conditions derived out of new consent AL/116/18/PL take effect for the development moving forward?;
2. Leading on from 1 above, I note separate consents have been granted for the adjacent plot under references AL/122/17/PL, AL/117/18/PL and AL/136/17/PL and for the avoidance of doubt I would be grateful if you could confirm that the conditions of these consents have no bearing on the plot to the north, this being the land referred to above and the property which will be used as security for our funding application. The background to this clarification is that we note that on at least one of the applications for the adjacent site that Mr Duggin is listed as the addressee for the adjacent site (our understanding as agent rather than proposed developer);
3. Planning AL/116/18/PL pre-conditions above DPC level. Assuming that my understanding in 1 is correct (i.e. that conditions of AL/121/16/PL no longer take effect) please can you confirm:
  - (i) Whether works have commenced to crystallise the commencement period to discharge condition 1?
  - (ii) If Materials and Finishes have been submitted to discharge condition 6;
  - (iii) If a Landscaping Scheme has been submitted to discharge condition 7;
  - (iv) If details of Screen Walls and Fences have been submitted to discharge condition 8?
  - (v) Whether you are aware of any other works which have breached the current consent?

4. In relation to the position on Access, Visibility Splays and Parking and Turning these are set out in conditions 9, 10 and 11 of AL/116/18/PL and you have helpfully set out some additional information on these conditions in your email below. My understanding is that drawing SP01 Rev E sets out the approved design for access as referred to in the conditions (and condition 2) and as attached. I would be grateful if you could please confirm;

- (i) Access - That in order to adhere to condition 9 of AL/116/18/PL we are keen to confirm that only the works within the area edged red need to be completed. I appreciate that this is alluded to in your email below but drawing SP01 Rev E does include the new access road albeit that the turning area in plot 1 (south site) has been replaced by a new south access point. Notwithstanding the comments in your email below the Officers Report on ADC planning portal refers to a new one way system whereby access is gained from the A29 from the south access and to the A29 from the north access and as the south access does not fall within the ownership of our client or the land to be charged to us as security we require clarification over whether condition 9 of AL/116/18/PL requires that the full extent of the access is built and is used on a one way basis or alternatively compliance with condition 9 can be preserved by simply using the north access for traversing on and off the A29? As the Officers report also refers to the plan granted in AL/136/17/PL we require this clarification with the consequence that assuming the north plot (Mr Duggins) only requires the north access point, that the access road and southern access do not need to be built to comply with condition 9 (or the approved plans set out in condition 2 or the planning consent generally);
- (ii) Visibility Splays -- I have read the consultation responses received from WSCC and just wish to confirm that the current layout of the verge and area owned by our client does not dictate any additional changes to comply with the splays set out in condition 10 of AL/116/18/PL, i.e. that there is currently no impediment (trees, walls etc) in the area of the splays so this condition is essentially already discharged? (with acceptance it must be kept this way in perpetuity to remain compliant).
- (iii) Turning and Parking -- again leading on from 4(i) above that the turning and parking areas are all within the area edged red and in ownership of Mr Duggin and that this thus facilitates and turning and the use of the northern access point for access and egress to the A29?

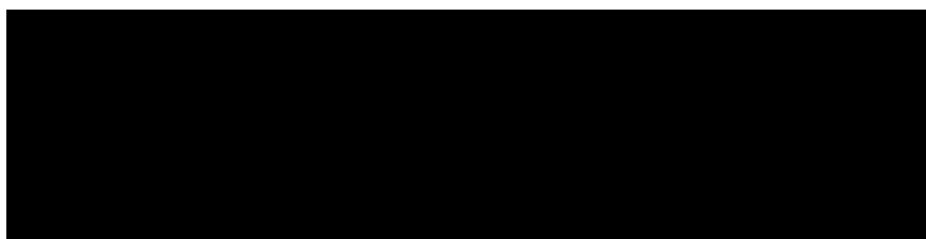
I am grateful for your assistance with the above and look forward to hearing from you.

Kind regards

Daniel

**Daniel Palmer**

Chief Executive



**From:** David Watters [REDACTED]  
**Sent:** 17 April 2019 15:46  
**To:** Daniel Palmer [REDACTED]  
**Subject:** FW: AL/116/18/PL Land West of Fontwell Avenue (Plot 3)

**From:** Lee Duggin [REDACTED]  
**Sent:** 02 April 2019 17:12  
[REDACTED]  
**Subject:** Fwd: AL/116/18/PL Land West of Fontwell Avenue (Plot 3)

----- Forwarded message -----

**From:** Simon Davis <[Simon.Davis@arun.gov.uk](mailto:Simon.Davis@arun.gov.uk)>  
**Date:** Tue, 2 Apr 2019 at 14:47  
**Subject:** AL/116/18/PL Land West of Fontwell Avenue (Plot 3)  
**To:** Lee Duggin [REDACTED]

Dear Lee,

Further to our conversation earlier, I can confirm that conditions 9, and 10 relate solely to the access that is shown within your red edge (i.e. the northernmost of the two accesses). Furthermore, condition 11 only relates to the vehicle parking and turning spaces within your application red edge i.e. those within your actual development plot. I trust this is to your satisfaction.

Kind Regards

Simon J Davis MRTPI | Principal Planning Officer, Planning Department, Directorate of Place, Arun District Council |

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Please note that I typically work from home on Thursdays when I am unreachable on my work phone

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