

REF NO: AL/52/19/DOC

LOCATION: Land West of Fontwell Avenue, Eastergate, PO20 3RU

PROPOSAL: Approval of details reserved by condition imposed under AL/116/18/PL relating to conditions 6-schedule of materials & finishes, 7-landscape scheme, 8-screen walls and/or fence details, 12-details for secure bicycle storage & 13-details for storage of domestic rubbish & recycling

INTRODUCTION:

There is no requirement within Arun District Council procedures to provide an officer report for applications to approve details reserved by planning condition. However, in this case, due to the objection of Aldingbourne Parish Council and the comments of the neighbour in respect of the landscaping and fencing conditions, it is considered necessary to provide an analysis of the representations that have been made.

It should be noted that as no specific objections have been made in respect of the materials, cycle storage or rubbish/recycling storage, these decisions are not included within this report and will instead be made and issued under standard delegated procedures.

REPRESENTATIONS RECEIVED:

ALDINGBOURNE PARISH COUNCIL – This application appears to have been subject to multiple revisions and the prolonged nature of progress at this site has given rise to significant concern amongst Aldingbourne residents. In light of this, Aldingbourne PC planning committee agreed they wish to register an OBJECTION re this application.

In addition, one letter of objection has been received from the neighbouring property. This states that:

“1. It was my understanding that a bund needed separate planning permission. My 'existing' picket style fence, to the north of this plan, is 1.6m high. What will keep a 1.8m bund from coming into my garden? When it is 'planted' it will be more than the 2m I have been told is allowed for a boundary fence.

2. Why is the future property to the south, given a 'close boarded 1.8m fence', when my property to the north is given no fence at all and a bund which does not show how leaning on, and possibly coming through my fence, will be avoided?”

COMMENTS ON REPRESENTATIONS:

The following response has already been provided by email to the Parish Council:

“With regard to AL/52/19/DOC, you should note that there is no mechanism within the Councils scheme of Delegation to take a Discharge of Condition application to the

Development Control Committee where there is an objection from the Parish Council. You could write separately to our Group Head of Planning, to see whether he would sanction this as a special case but in such cases, there tends to be a requirement that there is a significant level of objection and that therefore, it is in the public interest to have this brought before the Committee.

Furthermore, I am aware from speaking to the applicant that the only current stumbling block to development continuing on this site is the discharge of the conditions as applied for (as some of them do not allow development above damp-proof course level until matters are approved). Therefore, any delay in the determination of this application would only further delay development on site. Also, the application is already over 8 weeks old."

Planning permission is not required for the planting of trees or vegetation and therefore it is not possible to control the growth of vegetation above an earth bund. The other objections are considered within the conclusions section of the report.

RELEVANT CONSULTATION RESPONSES:

ADC LANDSCAPE OFFICER – "Further to receipt of revised drawing Proposed Dwelling Landscape Plan 315818 L02 rev D I can advise that the detail is now sufficient in plan form with proposed planting species, actual quantities, planting density and size at time of planting. The detail proposes Laurel hedging which as it establishes and is maintained over time will provide in evergreen form suitable screening, hedge divide and frontage to these development proposals. I would now recommend the discharge of Condition 7 on this application AL/52/19/DOC."

COMMENTS ON CONSULTATION RESPONSES:

It should be noted that the landscaping plan was partly revised to ensure that the proposed hard surfacing was in accordance with the agreed drainage strategy (which was approved previously by AL/50/17/DOC).

CONCLUSIONS:

Comments are made in respect of the relevant conditions as follows:

07 Landscaping

The concerns of the neighbour are not with the landscape scheme per se but with the proposed installation of a bund at the very rear of the site and the potential for this to encroach into the neighbours' land. This is not considered to be a material planning consideration as if encroachment were to happen, this would be a private civil matter to be resolved by the two parties and not through the planning process. It is also considered unlikely that a planted bund would move so as to encroach into the adjacent garden land. However, the Council will ensure that the developer and future occupiers are aware of the need to properly maintain the bund so as to prevent any future encroachment.

The Councils Landscaping Officer has not raised any objections to the proposed landscaping scheme (as revised) and the scheme is therefore considered to be appropriate.

08 New Boundary Treatments

The concern of the neighbour is that the boundary treatment scheme does not show any replacement of the boundary between the application site and the neighbour's property ("the shared boundary"). However, there is an existing boundary between the two sites, and it is understood from further communications from the neighbour that they have gone ahead and replaced this boundary with a higher fence. This would also suggest that the neighbour has control/ownership of the existing boundary treatment and therefore it may not have been possible for the applicant to amend the shared boundary as they would have required third party permission. Nevertheless, the matter has now been resolved.

The proposed boundary treatment scheme is considered to ensure that the privacy of future residential occupiers is to an acceptable standard and is therefore considered to be appropriate.

RECOMMENDATION:

That the two relevant conditions are approved with the following decision notice wording:

Condition 07

The submitted Landscape Scheme as detailed on the submitted drawing L02 Rev D "Proposed Dwelling Landscaping Plan" has been agreed by the Councils Landscape Officer and is considered to be acceptable.

The condition is therefore fully discharged insofar as the submission of details relates and, on the understanding, that the new trees, hard & soft landscaping will be implemented in accordance with the approved details and retained and maintained thereafter. The developer should also ensure that future residential owners/occupiers are aware of the need to properly maintain the bund to ensure that it does not encroach onto neighbouring land.

Condition 08

It is noted that the scheme as shown on drawing L02 Rev D "Proposed Dwelling Landscaping Plan" includes the following types of boundary treatment: (1) 1.8m high close boarded timber fencing between the rear gardens of two dwellings & to the rear southern boundary; (2) a planted 1.8m high bund to the rear of the site; and (3) 1.2m high post & rail fencing between the front 'gardens' of the two dwellings & to the front southern boundary

The submitted scheme is considered to ensure an appropriate standard of and therefore satisfies the requirements of the condition. The condition is therefore fully discharged insofar as the submission of details relates and, on the understanding, that the new boundary treatments will be permanently retained and maintained so as to be fit for

purpose. The developer should also ensure that future residential owners/occupiers are aware of the need to properly maintain the bund to ensure that it does not encroach onto neighbouring land.